European Commission



THE 2015 EU JUSTICE **SCOREBOARD**

Communication from the Commission to the European Parliament, the Council, the European Central Bank, the European Economic and Social Committee and the Committee of the Regions

COM(2015) 116 final

Justice and Consumers

European Commission - Directorate-General for Justice
More information on the European Union is available on the Internet (http://europa.eu)

ISBN: 978-92-79-46166-8
doi: 10.2838/708885

Printed in Belgium

Dear Reader,



The EU Justice Scoreboard provides an overview of the quality, independence and efficiency of EU Member States' justice systems. Together with individual country assessments, the EU Justice Scoreboard helps to identify possible shortcomings or improvements and to regularly reflect on progress. An effective national justice system is crucial for enforcing the Union's laws in practice and contributing to economic growth. I am convinced that we can learn from each other, making our justice systems more effective, for the benefit of citizens and businesses! This will also increase mutual trust in each others' systems.

Many EU Member States are currently reforming their justice systems. The European Commission supports these reform processes through the European Semester, the EU annual cycle of economic policy coordination. Effective justice systems play a key role for an investment friendly environment, providing greater regulatory predictability and thereby contributing to sustainable growth.

Efficiency of a justice system on its own is not enough. Quality and independence are key components of an effective justice system. The 2015 EU Justice Scoreboard pays particular attention to the quality of justice systems. For example, the 2015 edition presents new information on the quality of small claims procedures on-line, on gender balance in the judiciary, on how courts communicate or on alternative dispute resolution in consumer disputes. The 2015 EU Justice Scoreboard also looks at the legal safeguards in national justice systems that protect judicial independence.

For the first time, the EU Justice Scoreboard identifies trends in the functioning of justice systems. Although reaping the benefits of structural reforms takes time, we can see signs of improvement. This should encourage us to continue the reforms with commitment and determination. We will continue to support these efforts working closely with Member States and all stakeholders.

Věra Jourová
Commissioner for Justice, Consumers and Gender Equality



Contents

1. INTRODUCTION

The 2015 edition of the EU Justice Scoreboard ('the Scoreboard') is presented in a time where the EU is committed to revitalising growth and to generating a new momentum for change. Effective justice systems play a key role in creating an investment friendly environment, restoring confidence, providing greater regulatory predictability and sustainable growth.

The Scoreboard assists Member States to improve the effectiveness of their justice system. This edition seeks to identify possible trends and contains new indicators and more fine-tuned data.

The important role of justice systems for growth complements their crucial function of upholding the values upon which the EU is founded. Access to an effective justice system is a fundamental right which is at the foundation of European democracies and is recognised by the constitutional traditions common to the Member States. The right to an effective remedy before a tribunal is enshrined in the Charter of Fundamental Rights of the European Union.

The effectiveness of justice systems is also crucial for the implementation of EU law and for the strengthening of mutual trust. Whenever a national court applies EU legislation, it acts as a 'Union court' and must provide effective judicial protection to everyone, citizens and businesses, whose rights guaranteed in EU law have been violated. Shortcomings in national justice systems are an obstacle for the functioning of the single market, for the well-functioning of the EU area of justice and the effective implementation of the EU acquis.

For these reasons, since 2011, national judicial reforms have become an integral part of the structural components in Member States subject to the Economic Adjustment Programmes.[1] Since 2012, the improvement of the quality, the independence and the efficiency of judicial systems has also been a priority for the European Semester, the EU annual cycle of economic policy coordination. The 2015 Annual Growth Survey renews the commitment to carrying out structural reforms in the area of justice.[2]

1 In 2014, Economic Adjustment Programmes in EL, PT (ended in June 2014) and CY included conditionality on justice reform.
2 Communication from the Commission, Annual Growth Survey 2015, COM (2014) 902 final.

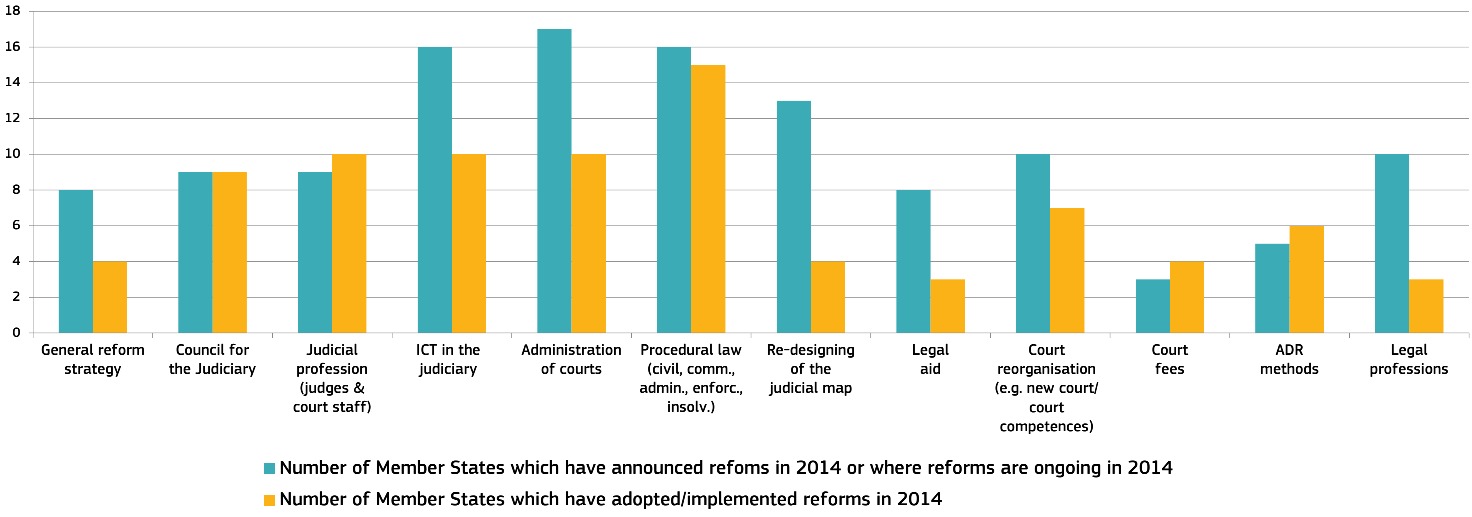
A large process of justice reforms is being undertaken in Member States…

The information collected for this edition of the EU Justice Scoreboard shows that in 2014, all Member States were engaged in reforming their justice systems. The scope, scale and state of play of the reform process vary significantly, as well as the objectives pursued, which could be tackling inefficiencies, enhancing quality and accessibility, managing budgetary constraints, strengthening citizen trust or fostering a business-friendly environment.

Figure 1

Mapping of justice reforms in the EU in 2014

source: *European Commission*[3]



The reforms range from operational measures, such as the modernisation of the management process in court, the use of new information technology, the development of alternative dispute resolution, to more structural measures such as restructuring the organisation of courts, reviewing the judicial map, simplification of procedural rules, reforming judicial and legal professions and reforming legal aid.

3 The data have been collected in cooperation with the group of contact persons on national justice systems

...encouraged and supported at EU level.

This reform process is part of the structural reforms encouraged at EU level to put Europe firmly on the path of economic recovery. Together with investment and fiscal responsibility, structural reforms are one of the three pillars of an integrated approach for the EU's economic and social policy in 2015. Structural reforms to ensure the effectiveness of judicial systems pave the way for a more business- and citizen-friendly environment.

The findings of the 2014 Scoreboard, together with a specific country assessment carried out for each of the Member States concerned, helped the EU to define **country-specific-recommendations** in the area of justice. Following a proposal from the Commission, the Council made recommendations to twelve Member States[4] to improve, depending on the country concerned, the independence, quality and/or efficiency of their justice system. Out of these twelve Member States, ten Member States were already identified in 2013[5] and six in 2012[6] as facing challenges relating to the functioning of their justice systems. The Commission closely follows the implementation of these recommendations through a dialogue with national authorities and interested parties in the concerned Member States.

To support these reform efforts, the Commission also intensified the **dialogue with Member States** through its *group of contact persons on national justice systems*.[7] The discussions drew on Member States' expertise[8] and triggered exchanges of information on practices to support the quality of justice systems, in particular, quality management methods, courts' communication policies, efforts towards the uniform application of EU law and recent reforms carried out to enhance the efficiency and quality of the judicial system (e.g. in terms of its structure). Pursuing efforts to promote the exchange of best practices is key for supporting the quality of justice reforms in Member States.

The **European Structural and Investment Funds** (ESI Funds)[9] provide support to Member States' efforts to improve the functioning of their justice systems. At the start of the new programming period 2014-2020, the Commission engaged in an intensive dialogue with Member States on establishing the strategic funding priorities of the ESI Funds in order to encourage a close link between policy and funding. Based on the draft partnership agreements, the total budget allocated to investments in institutional capacity of public administration amounts to almost 5 billion euros for the next programming period. Out of the twelve Member States that received a country-specific-recommendation in the area of justice in 2014, eleven identified justice as a priority area of support for the ESI Funds. Justice is also a priority in the Economic Adjustment Programmes for Greece and Cyprus which will use ESI Funds in this area. The country-specific-recommendations, the country specific assessment and the data provided in the Scoreboard are key elements for Member States when setting out their funding priorities.

Member States which identified justice systems as a priority area intend to use ESI Funds mostly for improving the efficiency of the judiciary. Although concrete activities will depend on the particular needs of each Member State concerned, some types of activities are emerging as being common to more Member States, such as the introduction of case management systems, the use of ICT in courts, the monitoring and evaluation tools, and training schemes for judges. The extent of this support varies between the Member States: while some Member States intend to support a broad section of their justice systems, others will concentrate on only a few courts which are facing particular challenges or are selected for pilot purposes. The Commission emphasised the importance of robust indicators for monitoring effectiveness of the support and issued guidance documents on monitoring indicators in line with those used in the Scoreboard. They will ensure the regular reporting of the Member States to the Commission on achieved results. These data will help the evaluation of EU support in rendering Member States' justice systems more effective.

4 Council Recommendation of 8 July 2014 on the National Reform Programme 2014 of Bulgaria and delivering a Council opinion on the Convergence Programme of Bulgaria, 2014 (2014/C 247/02); Council Recommendation of 8 July 2014 on the National Reform Programme 2014 of Croatia and delivering a Council opinion on the Convergence Programme of Croatia, 2014 (2014/C 247/10); Council Recommendation of 8 July 2014, on the National Reform Programme 2014 of Ireland and delivering a Council opinion on the Stability Programme of Ireland, 2014 (2014/C 247/07); Council Recommendation of 8 July 2014 on the National Reform Programme 2014 of Italy and delivering a Council opinion on the Stability Programme of Italy, 2014 (2014/C 247/11); Council Recommendation of 8 July 2014 on the National Reform Programme 2014 of Latvia and delivering a Council opinion on the Stability Programme of Latvia, 2014 (2014/C 247/12); Council Recommendation of 8 July 2014 on the National Reform Programme 2014 of Malta and delivering a Council opinion on the Stability Programme of Malta, 2014 (2014/C 247/16); Council Recommendation of 8 July 2014 on National Reform Programme 2014 of Poland and delivering a Council opinion on the Convergence Programme of Poland, 2014 (2014/C 247/19); Council Recommendation of 8 July 2014 on the National Reform Programme 2014 of Portugal and delivering a Council opinion on the Stability Programme of Portugal, 2014 (2014/C 247/20); Council Recommendation of 8 July 2014 on the National Reform Programme 2014 of Romania and delivering a Council opinion on the Convergence Programme of Romania, 2014 (2014/C 247/21); Council Recommendation of 8 July 2014 on Slovakia's 2014 national reform programme and delivering a Council opinion on the Stability Programme of Slovakia, 2014 (2014/C 247/23); Council Recommendation of 8 July 2014 on the National Reform Programme 2014 of Slovenia and delivering a Council opinion on the Stability Programme of Slovenia, 2014 (2014/C 247/22); Council Recommendation of 8 July 2014 on the National Reform Programme 2014 of Spain and delivering a Council opinion on the Stability Programme of Spain, 2014 (2014/C 247/08).

5 BG, ES, HU, IT, LV, MT, PL, RO, SI, SK.

6 BG, IT, LV, PL, SI, SK.

7 In 2013 the Commission set up a group of contact persons on national justice systems in view of the preparation of the EU Justice Scoreboard and to promote the exchange of best practices on the effectiveness of justice systems. To this end Member States have been asked to designate two contact persons, one from the judiciary and one from the ministry of justice, and regular meetings of this informal group have taken place in 2014 and 2015. One Member State has not yet nominated contact persons and four have only nominated one from the ministry of justice but not from the judiciary.

8 AT, BE, DE, IE, EL, HR, IT, LT, NL, PT, RO have made presentations in this group on certain aspects of their justice system.

9 Regulation 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation EC No 1083/2006, OJ L 347, 20.12.2013.

What is the EU Justice Scoreboard?

The EU Justice Scoreboard is an information tool aiming to assist the EU and Member States to achieve more effective justice by providing objective, reliable and comparable data on the quality, independence and efficiency of justice systems in all Member States.

The Scoreboard contributes to identifying potential shortcomings, improvements and good practices. It shows trends on the functioning of the national justice systems over time. It does not present an overall single ranking but an overview of the functioning of all justice systems based on various indicators which are of common interest for all Member States.

The Scoreboard does not promote any particular type of justice system and treats all Member States on an equal footing. Whatever the model of the national justice system or the legal tradition in which it is anchored, timeliness, independence, affordability, and user-friendly access are some of the essential parameters of an effective justice system.

The 2015 Scoreboard focuses on litigious civil and commercial cases as well as administrative cases in order to assist Member States in their efforts to pave the way for a more business- and citizen-friendly environment, which in turn fosters investment, as well as for a deeper and fairer internal market. The Scoreboard is a tool which evolves in dialogue with Member States and the European Parliament, with the objective of identifying the essential parameters of an effective justice system. The European Parliament has called on the Commission to progressively broaden the scope of the Scoreboard and reflection on how to do this has started.

How does the EU Justice Scoreboard feed the European Semester?

The EU Justice Scoreboard provides information on the functioning of justice systems and helps assess the impact of justice reforms. Poor performance revealed by the Scoreboard indicators always requires a deeper analysis of the reasons behind the result. This country-specific assessment is carried out in the context of the European Semester process through bilateral dialogue with concerned authorities and stakeholders. This assessment takes into account the particularities of the legal system and the context of the concerned Member States. It may eventually lead the Commission to propose Council *country-specific-recommendations* on the improvement of justice systems.[10]

What is the methodology of the EU Justice Scoreboard?

The Scoreboard uses different sources of information. Most of the quantitative data are currently provided by the Council of Europe Commission for the Evaluation of the Efficiency of Justice (CEPEJ) with which the Commission has concluded a contract in order to carry out a specific annual study.[11] These data are from 2013 and have been provided by Member States according to the CEPEJ methodology. This year the data have been collected by CEPEJ specifically for EU Member States.[12] The study also provides country fiches which give more context and should be read together with the figures.

For the 2015 Scoreboard, the Commission has also drawn upon additional sources of information, namely Eurostat, the World Bank, the World Economic Forum, the European judicial networks (in particular the European Network of Councils for the Judiciary, which provided replies to a questionnaire on judicial independence) and the group of contact persons on national justice systems. Further data have also been obtained through data collection exercises and field studies on the functioning of national courts when they apply EU law in the areas of competition, consumer protection, Community trademarks and public procurement.

How do effective justice systems contribute to growth?

Effective justice systems play a key role in restoring confidence throughout the entire business cycle. Where judicial systems guarantee a good enforcement of rights and contracts, creditors are more likely to lend, firms are dissuaded from opportunistic behaviour, transaction costs are reduced and investments can go more easily to innovative sectors which often rely on intangible assets (e.g. intellectual property rights). More effective courts promote the entry of entrepreneurs into the market and foster competition. Research shows that there is a positive correlation between firm size and effective justice systems, while weaker incentives to invest and to employ are found in the presence of shortcomings in the functioning of justice. The impact of national justice systems on the economy is underlined by the International Monetary Fund, the European Central Bank, the OECD, the World Economic Forum and the World Bank.[13]

10 The reasons for country-specific recommendations are presented by the Commission in a Staff Working Documents, available at: http://ec.europa.eu/europe2020/making-it-happen/country-specific-recommendations/index_en.htm

11 Available at: http://ec.europa.eu/justice/effective-justice/index_en.htm

12 The regular collection of data by CEPEJ for the 47 Member States of the Council of Europe takes place every two years (the last general CEPEJ report was published in 2014 with 2012 data). All but three Member States have replied to the CEPEJ questionnaire for the Scoreboard.

13 On the economic impact of effective justice systems, see 2014 EU Justice Scoreboard, section 'The effectiveness of national justice systems as a structural component for growth'; see also «The Economic Impact of Civil Justice Reforms», European Commission, Economic Papers 530, September 2014.

2. INDICATORS OF THE 2015 EU JUSTICE SCOREBOARD

The 2015 Scoreboard has evolved: this third edition of the Scoreboard seeks to identify possible trends whilst taking a cautious and nuanced approach as the situation varies significantly, depending on each Member State and indicator. The 2015 Scoreboard also contains new indicators and more fine-tuned data based on new sources of information, for example, on the efficiency of courts in the areas of public procurement and intellectual property rights, the use and the promotion of alternative dispute resolution methods (hereafter ADR), the use of Information and Communication Technology (hereafter ICT) for small claim proceedings, courts' communications policies, composition and powers of Councils for the judiciary. It also contains, for the first time, data on the share of female professional judges, as more gender diversity can contribute to a better quality of justice systems.

Efficiency of justice systems

The 2015 Scoreboard maintains the indicators relating to the efficiency of proceedings: length of proceedings, clearance rate and number of pending cases. In addition, the 2015 Scoreboard shows the outcome of four data collection exercises aimed at providing more fine-tuned data on the length of judicial proceedings in the areas of EU competition law, consumer law, Community trademarks and public procurement. The effectiveness of judicial systems in these areas governed by EU law is particularly important for the economy.

Quality of justice systems

As in previous editions, the 2015 Scoreboard focuses on certain factors that can help to improve the quality of justice, such as training, monitoring and evaluation of court activities, the use of satisfaction surveys, budget, and human resources. The 2015 Scoreboard complements data on the availability of ICT with a more in-depth look into how electronic tools can be used in practice. Moreover, cooperation with the group of contact persons on national justice systems has yielded a useful insight into communication practices of courts and concrete methods used by Member States to promote ADR. In addition, the 2015 Scoreboard provides data on legal aid and gender balance in the judiciary.

Independence of the judiciary

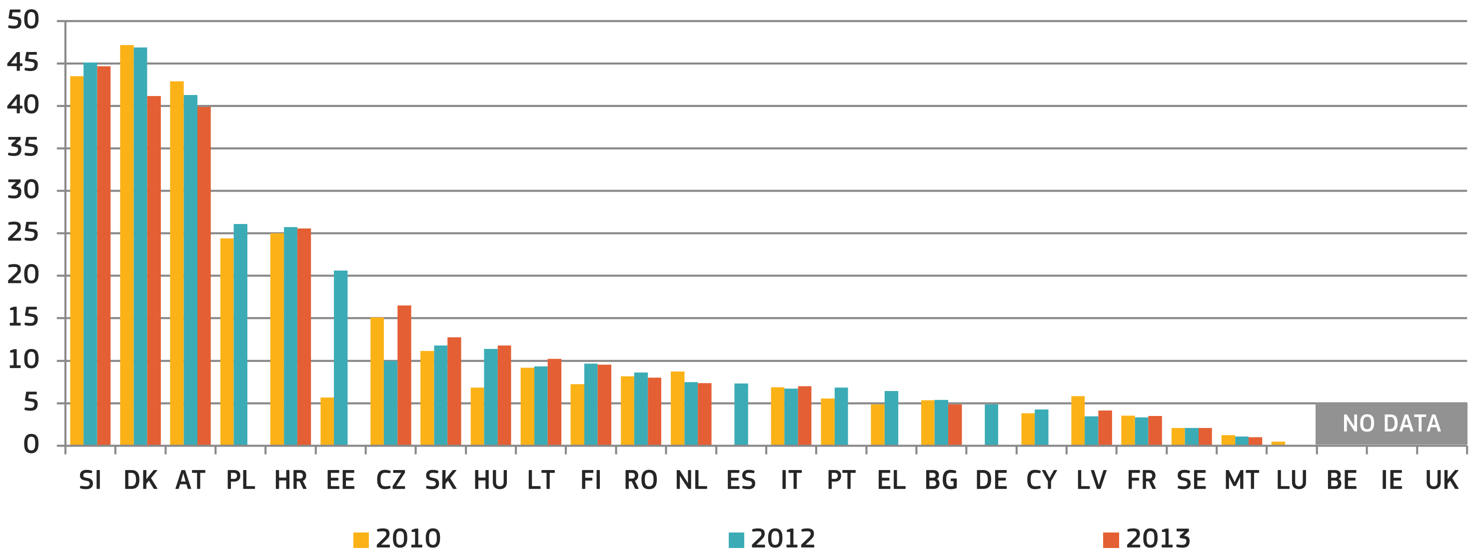
The Scoreboard presents data on the perceived independence of the justice system as provided by the World Economic Forum (WEF) in its annual Global Competitiveness Report. While perceived independence is important, as it can influence investment decisions, what is more important is that judicial independence is effectively protected in a justice system through legal safeguards (structural independence). The 2014 Scoreboard presented a first general overview of how justice systems are organised to protect judicial independence in certain types of situations where it can be at risk. The Commission has continued cooperation on the structural independence of the judiciary with the European judicial networks, particularly the European Network of Councils for the Judiciary. The 2015 Scoreboard provides updated information on the legal safeguards presented last year and expands the comparative overview on structural independence. In particular, it presents a comparison of the composition and main powers of existing Councils for the Judiciary in the EU, information on which branch of government adopts criteria for determining the financial resources for the judiciary and what these criteria are.

Context for the analysis

Efficiency, quality and independence are the main parameters for analysis of the effectiveness of justice systems. The data on the workload of courts in Member States provides important information on the context in which justice systems operate (e.g. tasks of courts, level of litigiousness). Irrespective of disparities among Member States, every judicial system should be in a position to handle its workload within a reasonable time, whilst meeting expectations of quality and independence.

Figure 2

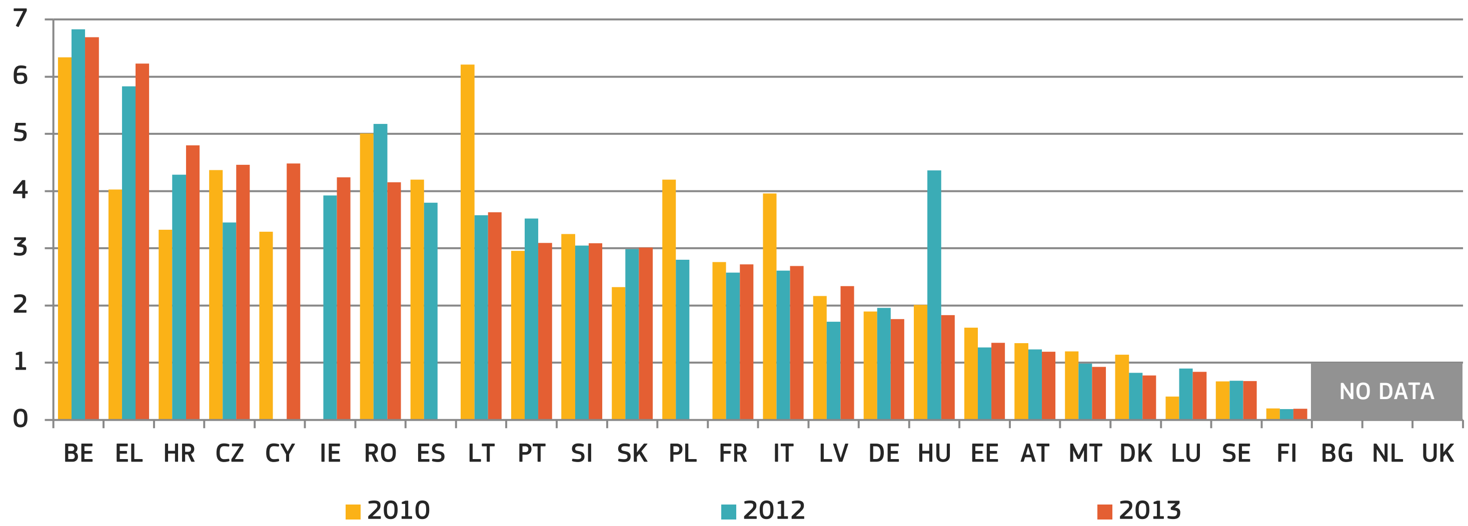
Number of incoming civil, commercial, administrative and other cases per 100 inhabitants* (First instance, 2010, 2012 and 2013)
source: *CEPEJ study*



* This category includes all civil and commercial litigious and non-litigious cases, enforcement cases, land-registry cases, administrative law cases (litigious or non-litigious) and other non-criminal cases. IT: The possible misinterpretation concerning the comparison between 2010, 2012 and 2013 could be explained by the implementation of a different classification of civil cases.

Figure 3

Number of incoming civil and commercial litigious cases per 100 inhabitants* (First instance, 2010, 2012 and 2013)
source: *CEPEJ study*



* Litigious civil and commercial cases concern disputes between parties, for example disputes regarding contracts, following the CEPEJ methodology. By contrast, non-litigious civil (and commercial) cases concern uncontested proceedings, for example, uncontested payment orders. Commercial cases are addressed by special commercial courts in some countries and handled by ordinary (civil) courts in others. IT: The possible misinterpretation concerning the comparison between 2010, 2012 and 2013 could be explained by the implementation of a different classification of civil cases.

3. KEY FINDINGS OF THE 2015 EU JUSTICE SCOREBOARD

3.1 Efficiency of justice systems

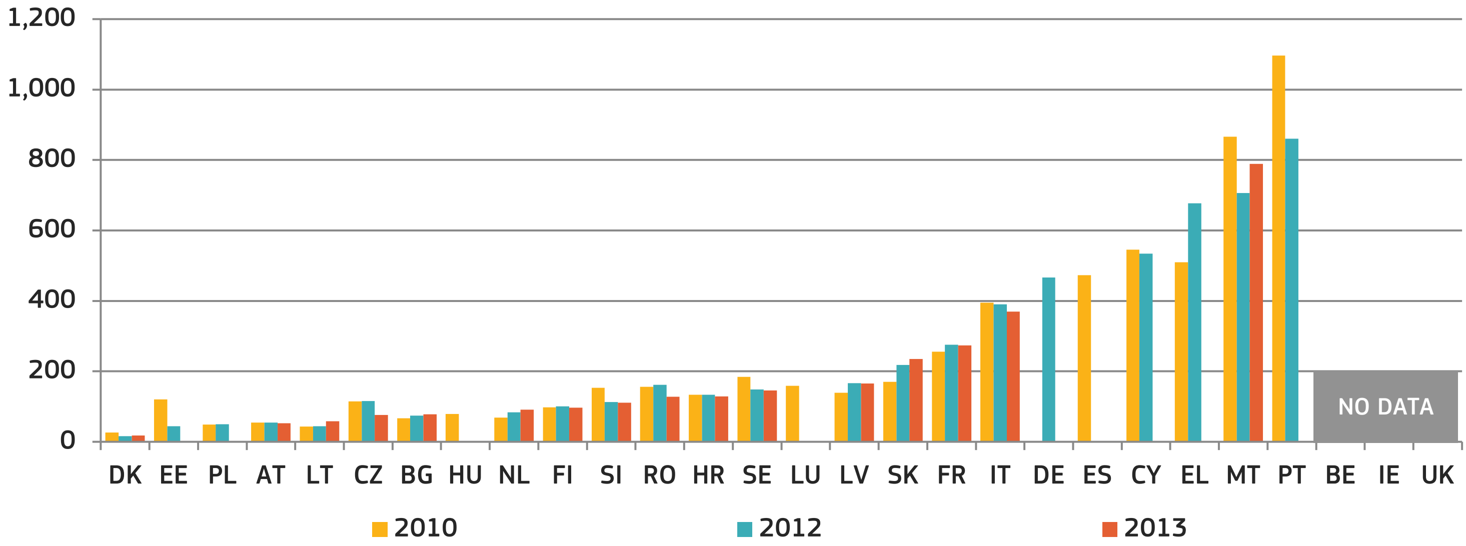
Justice delayed is justice denied. Timely decisions are essential for businesses and investors. In their investment decisions, companies take into account the risk of being involved in commercial disputes, labour or taxation disputes or insolvencies. The efficiency with which a judicial system in a Member State handles litigation is very important. For example, the legal enforcement of a supply or services contract becomes very costly the longer the judicial dispute takes, and even meaningless beyond a certain time, as the probability of retrieving money from payments and penalties diminishes.

3.1.1 Length of proceedings

The length of proceedings expresses the time (in days) needed to resolve a case in court, meaning the time taken by the court to reach a decision at first instance. The 'disposition time' indicator is the number of unresolved cases divided by the number of resolved cases at the end of a year multiplied by 365 days.[14] Apart from Figures 13 to 17, all figures concern proceedings at first instance and compare, where available, data for 2010 with data for 2012 and 2013.[15] Although different appeal procedures can have a major impact on length of proceedings, the efficiency of a judicial system should already be reflected at first instance, as the first instance is an obligatory step for everyone going to court.

Figure 4

Time needed to resolve civil, commercial, administrative and other cases* (First instance/in days)
source: *CEPEJ study*[16]



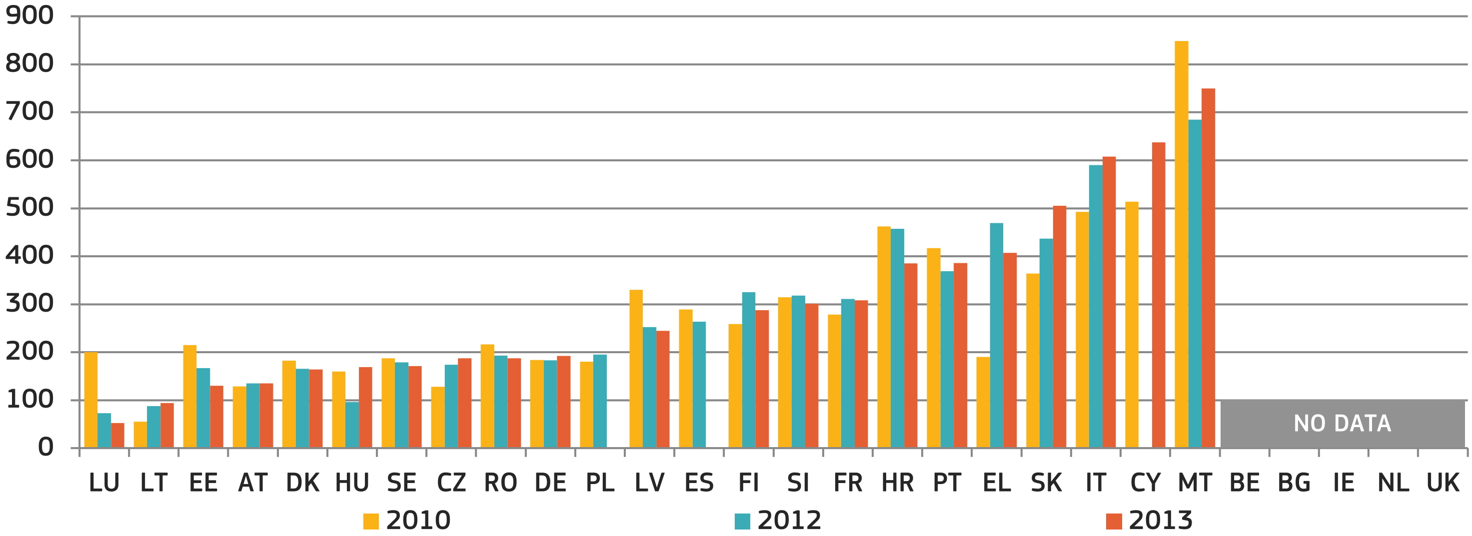
* This category includes all civil and commercial litigious and non-litigious cases, enforcement cases, land-registry cases, administrative law cases (litigious or non-litigious) and other non-criminal cases. Comparisons should be undertaken with care as some Member States reported changes in the methodology for data collection or categorisation (CZ, EE, IT, CY, LV, HU, SI) or made caveats on completeness of data that may not cover all Länder or all courts (DE, LU).

14 Length of proceedings, clearance rate and number of pending cases are standard indicators defined by CEPEJ. http://www.coe.int/t/dghl/cooperation/cepej/evaluation/default_en.asp
15 Data includes updates made by CEPEJ after the publication of their 2013 study as transmitted to the Commission.
16 2015 Study on the functioning of judicial systems in the EU Member States, carried out by the CEPEJ Secretariat for the Commission. Available at: http://ec.europa.eu/justice/effective-justice/index_en.htm

Figure 5

Time needed to resolve litigious civil and commercial cases* (First instance/in days)

source: *CEPEJ study*

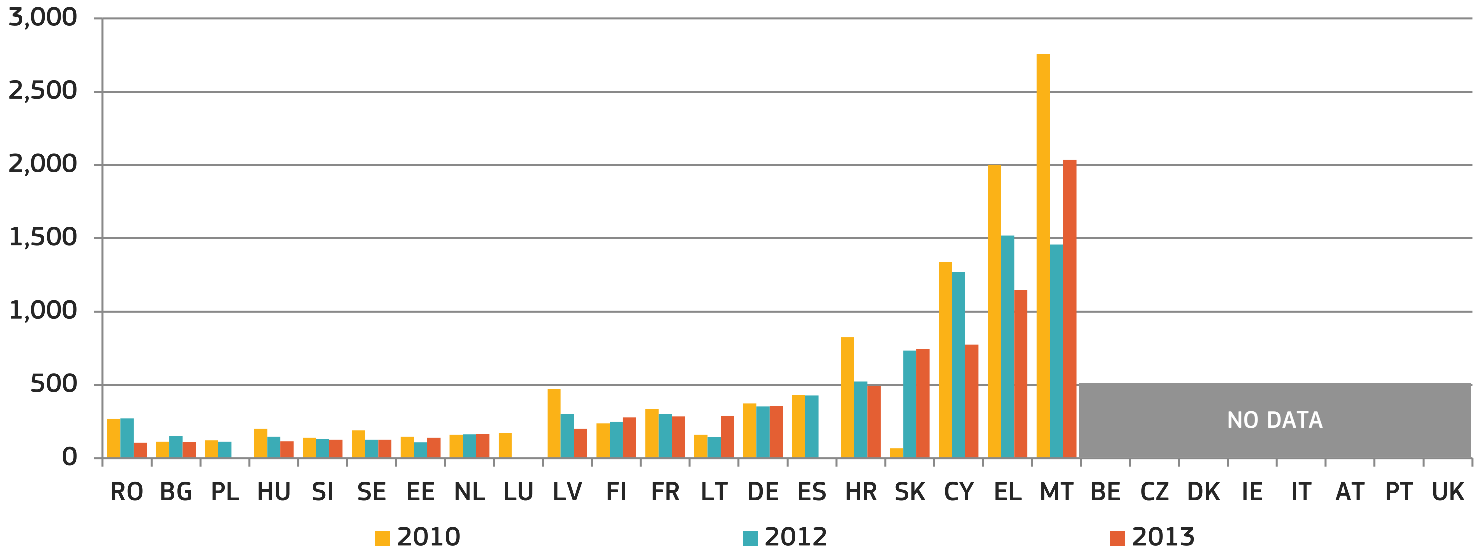


* Litigious civil (and commercial) cases concern disputes between parties, for example disputes regarding contracts, following the CEPEJ methodology. By contrast, non-litigious civil (and commercial) cases concern uncontested proceedings, for example, uncontested payment orders. Commercial cases are addressed by special commercial courts in some countries and handled by ordinary (civil) courts in others. Comparisons should be undertaken with care, as some Member States reported changes in the methodology for data collection or categorisation (CZ, EE, IT, CY, LV, HU, SI) or made caveats on completeness of data that may not cover all Länder or all courts (DE, LU). NL provided a measured disposition time, but it is not calculated by CEPEJ.

Figure 6

Time needed to resolve administrative cases* (First instance/in days)

source: *CEPEJ study*



* Administrative law cases concern disputes between citizens and local, regional or national authorities, following the CEPEJ methodology. Administrative law cases are addressed by special administrative courts in some countries and handled by ordinary (civil) courts in others. Comparisons should be undertaken with care as some Member States reported changes in the methodology for data collection or categorisation (HU), a reorganisation of the administrative court system (HR) or made caveats on completeness of data that may not cover all Länder or all courts (DE, LU). Changes in incoming cases may allegedly explain variations in LT.

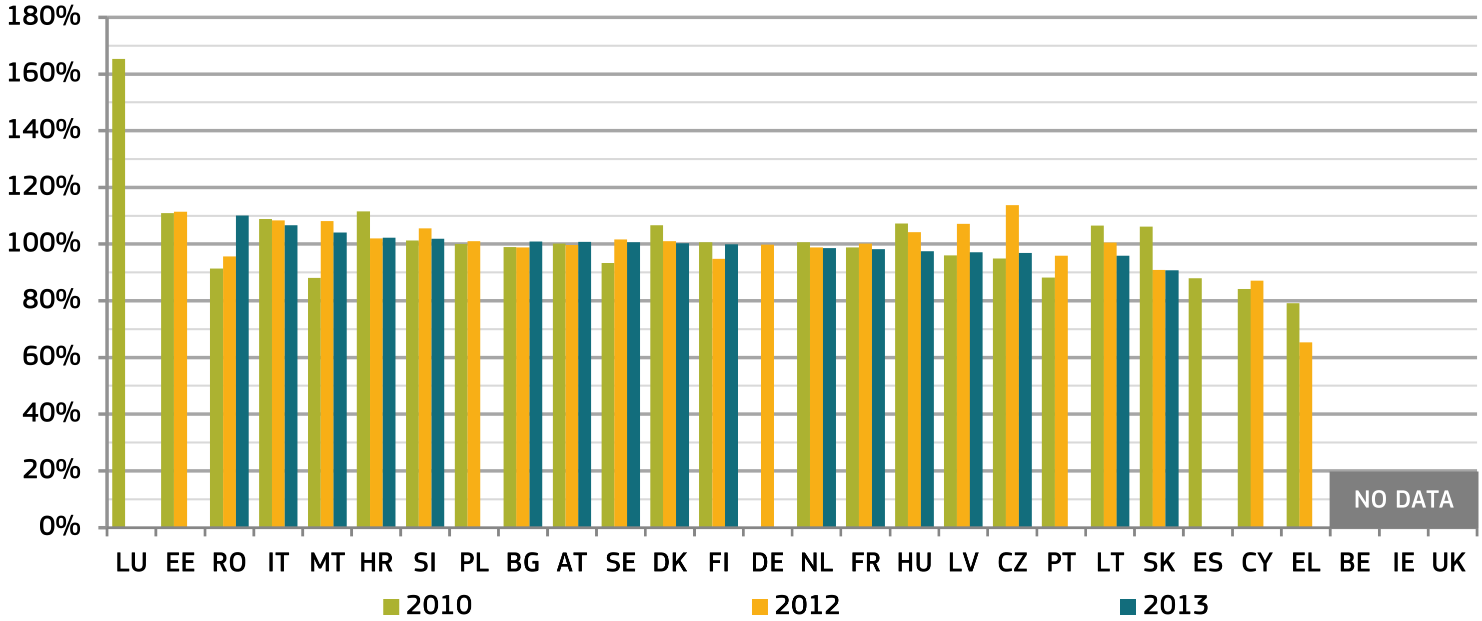
3.1.2 Clearance rate

The clearance rate is the ratio of the number of resolved cases over the number of incoming cases. It measures whether a court is keeping up with its incoming caseload. The length of proceedings is linked to the rate at which the courts can resolve cases, the 'clearance rate', and to the number of cases that are still waiting to be resolved, 'pending cases'. When the clearance rate is about 100% or higher it means the judicial system is able to resolve at least as many cases as come in. When the clearance rate is below 100%, it means that the courts are resolving fewer cases than the number of incoming cases, and as a result, at the end of the year, the number of unresolved cases adds up as pending cases. If this situation persists over several years, this could indicate a more systemic problem, as the build-up of backlogs further aggravates courts' workloads and causes the duration of proceedings to increase further.

Figure 7

Rate of resolving civil, commercial, administrative and other cases* (First instance/in % - values higher than 100% indicate that more cases are resolved than come in, while values below 100% indicate that fewer cases are resolved than come in)

source: *CEPEJ study*

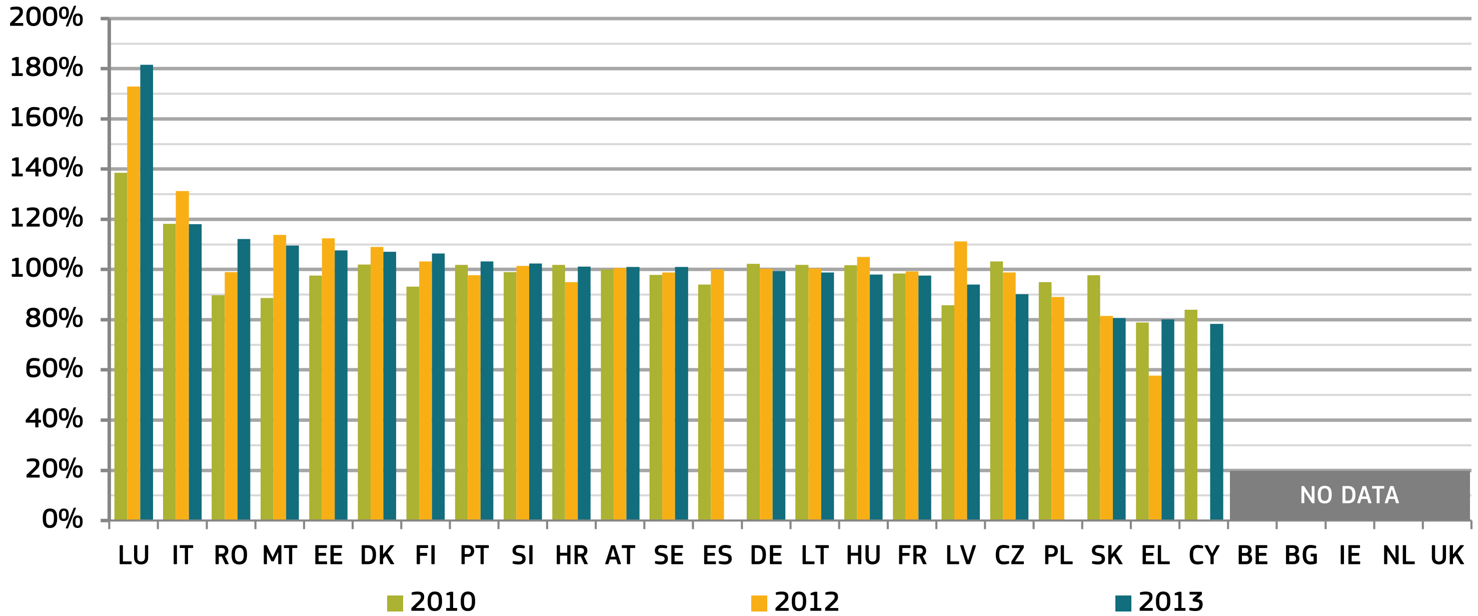


* Comparisons should be undertaken with care as some Member States reported changes in the methodology for data collection or categorisation (CZ, EE, IT, CY, LV, HU, SI) or made caveats on completeness of data that may not cover all Länder or all courts (DE, LU). Changes in incoming cases may allegedly explain variations in LT and SK. In LV external and internal factors such as new insolvency proceedings allegedly had an impact in variations.

Figure 8

Rate of resolving litigious civil and commercial cases* (First instance/in %)

source: *CEPEJ study*

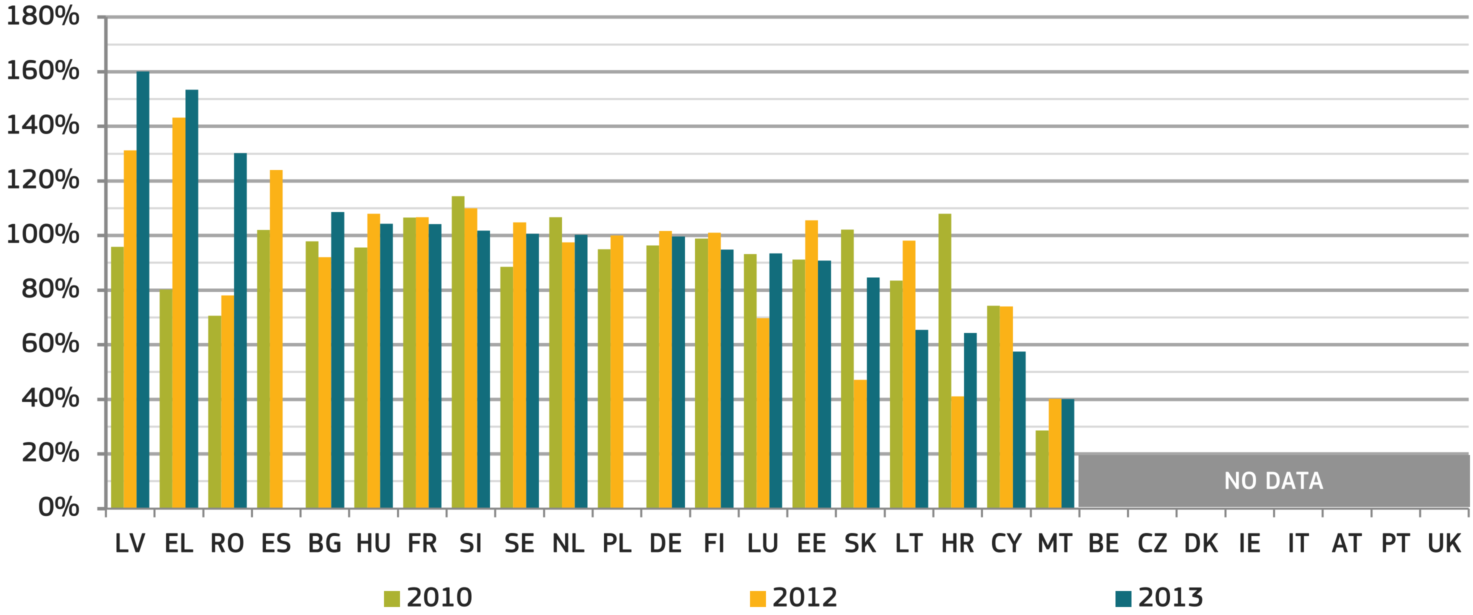


* Comparisons must be undertaken with care, as some Member States reported changes in the methodology for data collection or categorisation (CZ, EE, IT, CY, LV, HU, SI) or made caveats on completeness of data that may not cover all Länder or all courts (DE, LU). NL provided a measured disposition time, but it is not calculated by CEPEJ.

Figure 9

Rate of resolving administrative cases* (First instance/in %)

source: *CEPEJ study*



* Comparisons should be undertaken with care as some Member States reported changes in the methodology for data collection or categorisation (HU), a reorganisation of the administrative court system (HR) or made caveats on completeness of data that may not cover all Länder or all courts (DE, LU). Changes in incoming cases may allegedly explain variations in LT.

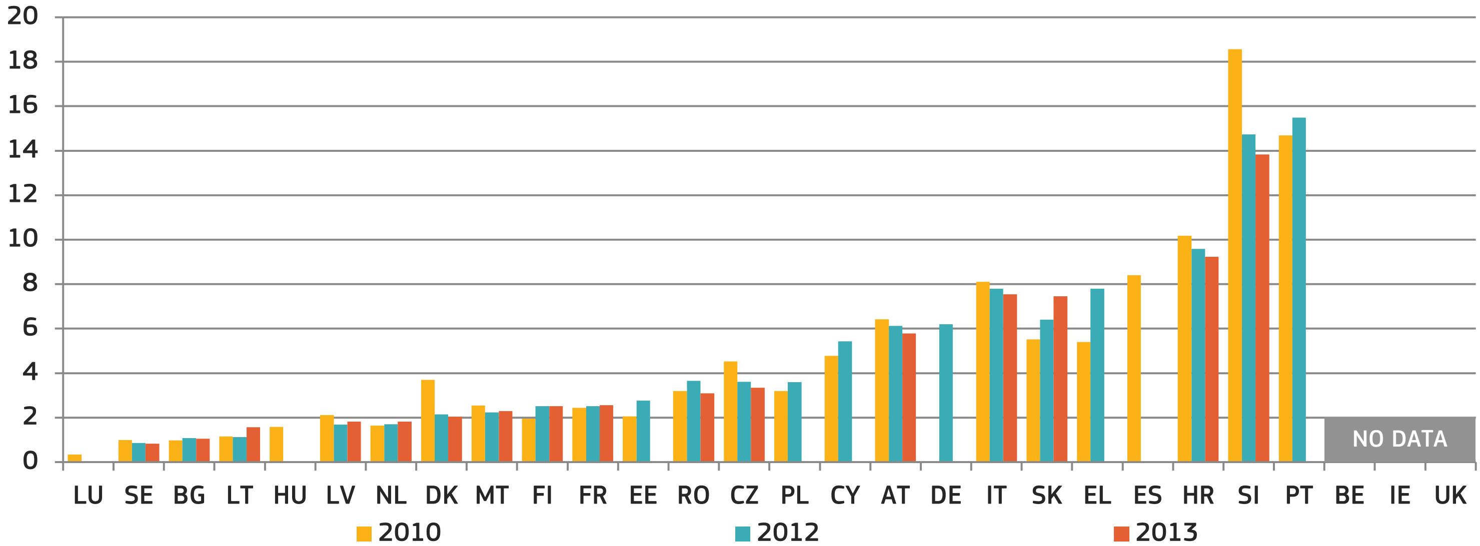
3.1.3 Pending cases

The number of pending cases expresses the number of cases that remains to be dealt with at the end of a period. It also influences the disposition time. Therefore, in order to improve the length of proceedings, measures are required to reduce the number of pending cases.

Figure 10

Number of civil, commercial, administrative and other pending cases* (First instance/per 100 inhabitants)

source: *CEPEJ study*

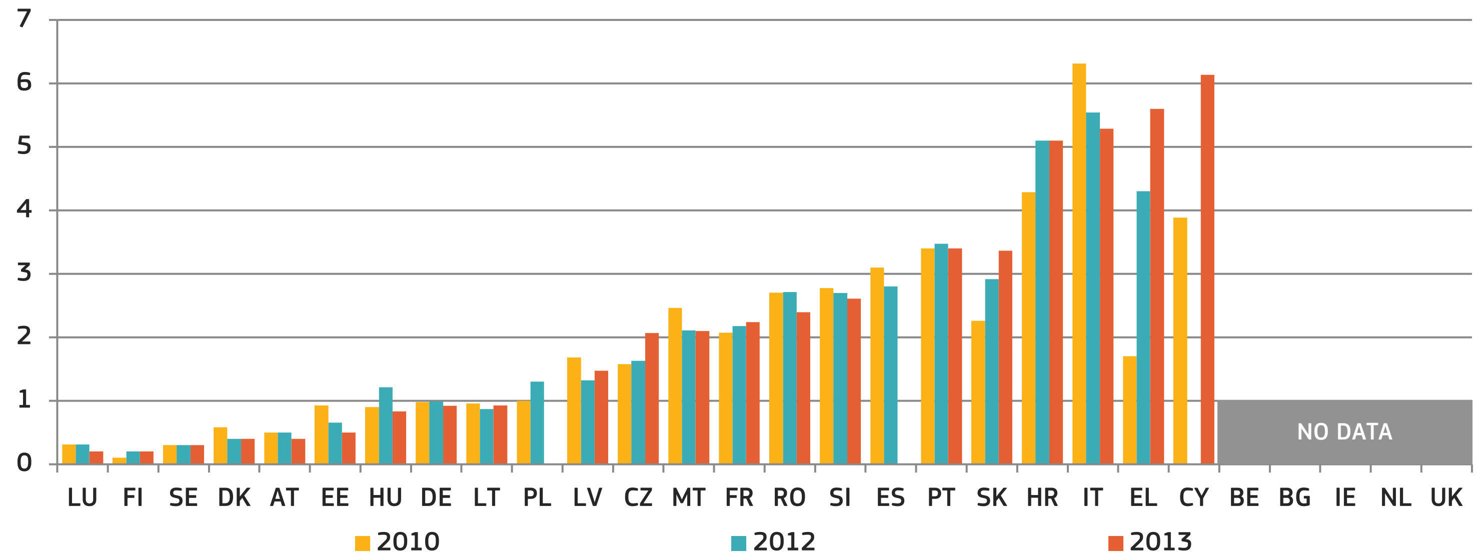


* Comparisons should be undertaken with care as some Member States reported changes in the methodology for data collection or categorisation (CZ, EE, IT, CY, LV, HU, SI) or made caveats on completeness of data that may not cover all Länder or all courts (DE, LU). Changes in incoming cases may allegedly explain variations in LT and SK. In DK the digitalization of the land registry may allegedly explain the decrease in pending cases.

Figure 11

Number of litigious civil and commercial pending cases* (First instance/per 100 inhabitants)

source: *CEPEJ study*

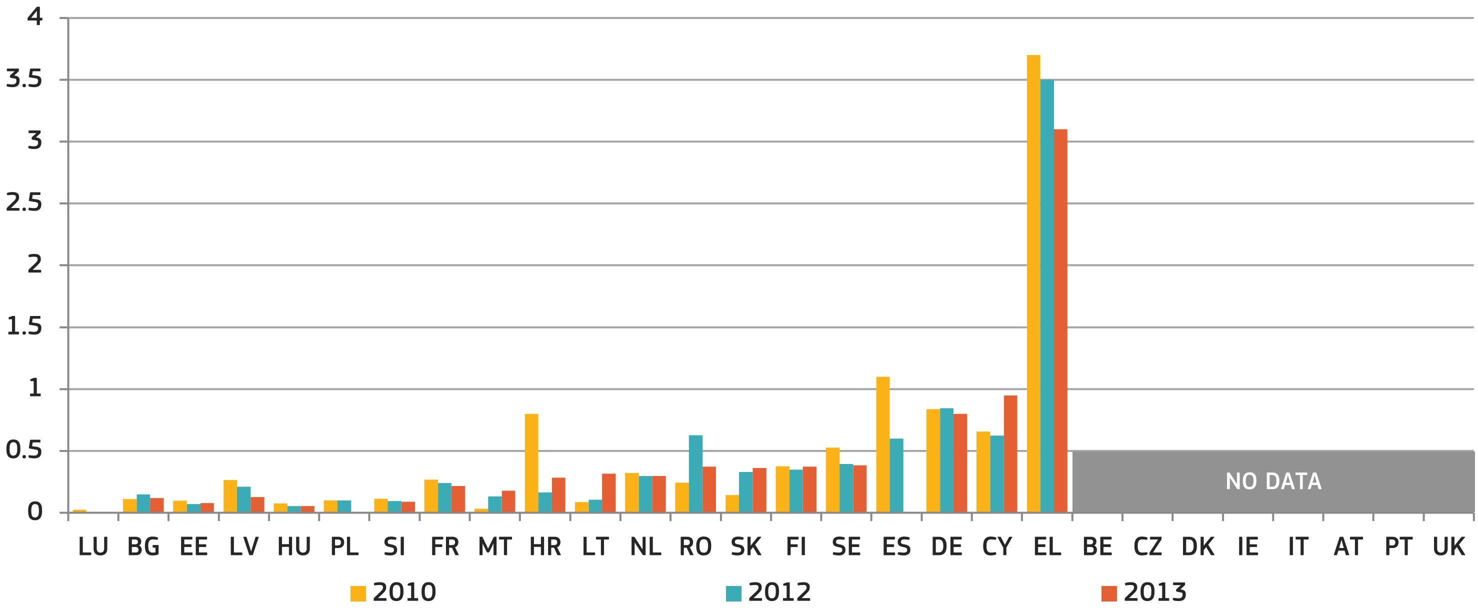


* Comparisons should be undertaken with care as some Member States reported changes in the methodology for data collection or categorisation (CZ, EE, IT, CY, LV, HU, SI) or made caveats on completeness of data that may not cover all Länder or all courts (DE, LU). Changes in incoming cases may allegedly explain variations in EL, LT and SK.

Figure 12

Number of administrative pending cases* (First instance/per 100 inhabitants)

source: *CEPEJ study*



* Comparisons should be undertaken with care, as some Member States reported changes in the methodology for data collection or categorisation (HU), a reorganisation of the administrative court system (HR) or made caveats on completeness of data that may not cover all Länder or all courts (DE, LU). Changes in incoming cases may allegedly explain variations in LT and SK.

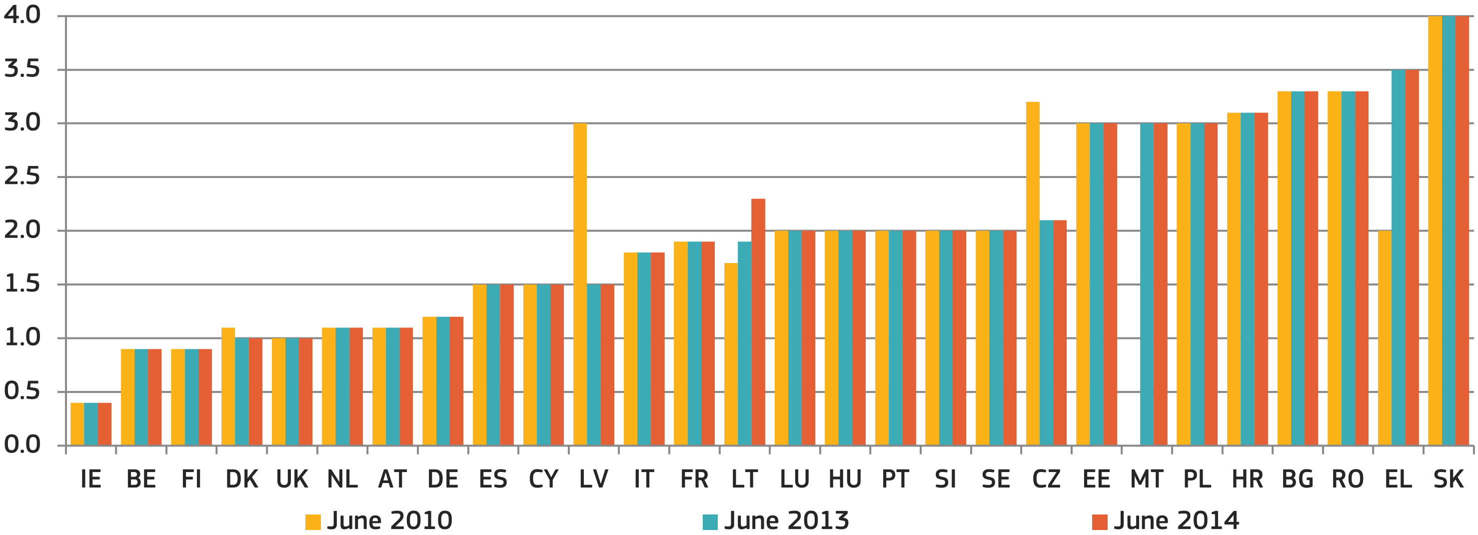
3.1.4 Efficiency in specific areas

To complement the general data on civil, commercial and administrative cases, the 2015 Scoreboard presents information on the average length of proceedings in certain areas which are relevant for the business environment. Existing data collection systems in Member States do not always provide data for specific fields of law. Since these data grant us a more fine-tuned vision of the effectiveness of justice systems in Member States, this Scoreboard has looked into the areas of insolvency[17], competition law, consumer law, intellectual property rights and public procurement.

Figure 13

Time needed to resolve insolvency* (in years)

source: *World Bank: Doing Business*



* Time for creditors to recover their credit. The period of time is from the company's default until the payment of some or all of the money owed to the bank. Potential delay tactics by the parties, such as the filing of dilatory appeals or requests for extension, are taken into consideration. The data are collected from questionnaire responses by local insolvency practitioners and verified through a study of laws and regulations, as well as public information on bankruptcy systems.

17 See also study prepared for the for the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs of the European Commission on Bankruptcy and second chance for honest bankrupt entrepreneurs available at: http://ec.europa.eu/enterprise/newsroom/cf/itemdetail.cfm?item_id=7962&lang=en

The data presented below refers to the application of EU law before national courts, notably **competition and consumer law rules, Community trade mark and public procurement law.**[18] These data throw light onto the effectiveness of the functioning of national courts for the application of EU law in these areas. Information is provided on the average number of days needed to reach a decision before national courts at first and second instance in cases pertaining to these specific fields.

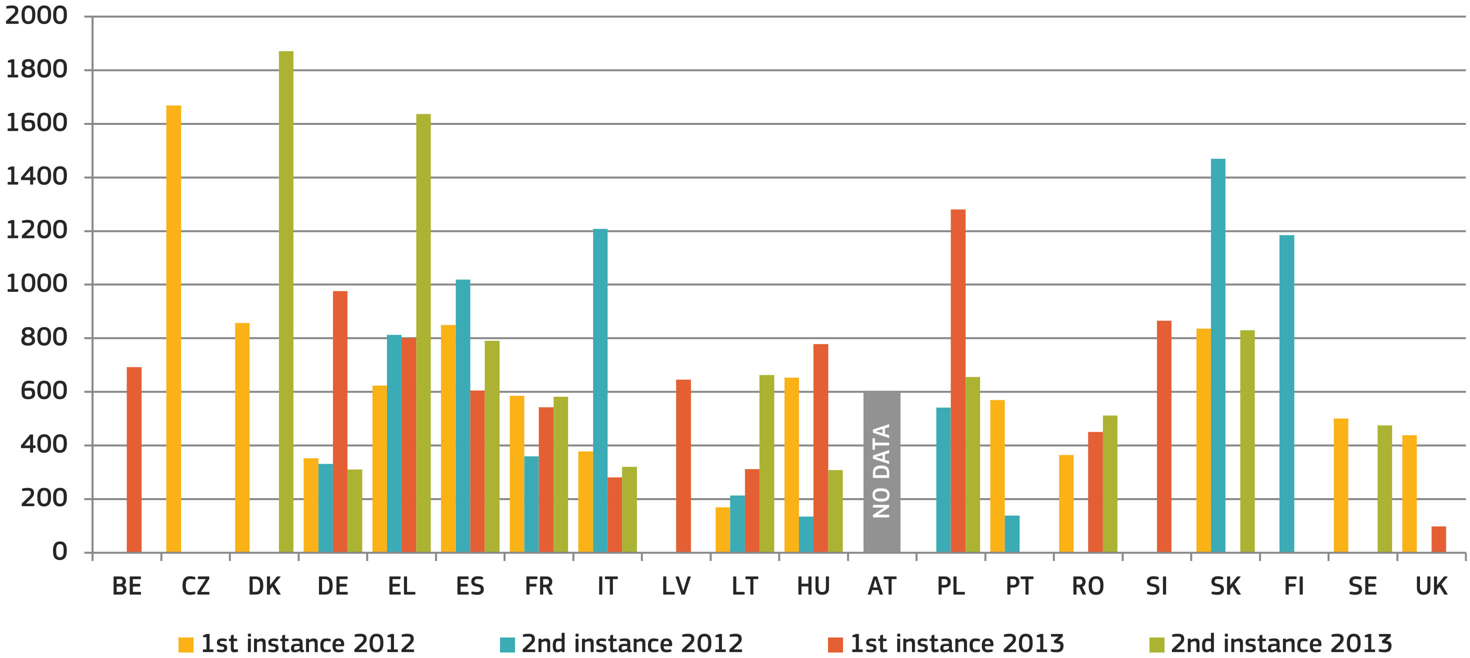
Data have been collected through a variety of sources. The average length of cases pertaining to EU competition law and consumer law has been gathered in cooperation with European networks of national authorities responsible for the enforcement of these areas of EU legislation.[19] Data on Community trade mark has been gathered from the members of the European Observatory on Infringements of Intellectual Property Rights, who have relied upon specific statistics - where available - or on representative samples of cases. Data on public procurement has been collected through a pilot data exercise commissioned by the European Commission. In view of the divergences in the way data are presented for these instances, Member States are ordered alphabetically in their original languages.

Competition law encourages efficiency and innovation and helps to reduce prices. The effective enforcement of these rules is essential for the business environment. The average length for resolving judicial review cases in competition law at first instance corresponds broadly to the average disposition time for administrative cases and appears to be higher than the average length for civil, commercial, administrative and other cases. The length resulting from cases identified in some Member States presents, however, much higher values.[20] This disparity could be due, in some cases, to the complexity involved in this type of specialised litigation. The figure below also shows that in several Member States, significant differences in length can be observed between first and second judicial review instances. In many States, the time it takes for a case to be resolved tends to present higher values at second instance than at first.

Figure 14

Time needed to resolve judicial review cases against decisions of national competition authorities applying Articles 101 and 102 TFEU* (in days)

source: *pilot data collection exercise carried out by the European Commission with the European Competition Network*



* No cases were identified within this period in BG, EE, IE, HR, CY, LU, MT and NL. The calculation of the average length has been carried out on the basis of a pilot data exercise that identified all cases of appeal of national competition authority decisions applying Articles 101 and 102 of the Treaty on the Functioning of the European Union for which judicial decisions on the substance were issued between 2012 and 2013. The figures are provided for1st and 2nd instance. For this scenario of judicial review there is no second instance in AT and in SI it only applies as of August 2013.

18 The specificity of the situations looked upon explains that it has not always been possible to cover all EU Member States in the graphs as certain type of cases could not be found in some of them.

19 In the cases of judicial review targeted by the exercise, these authorities are a party to the proceedings.

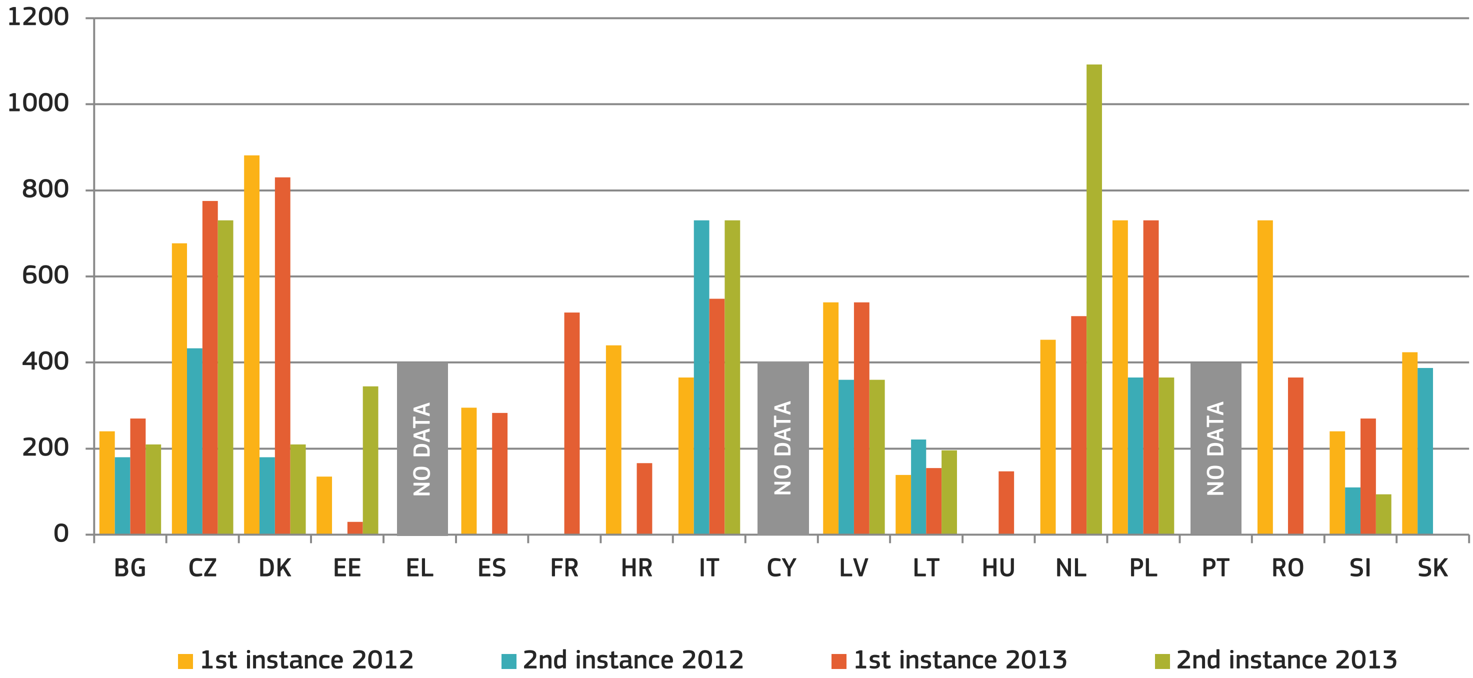
20 The number of relevant cases of judicial review varies per Member State. In some instances, the limited number of relevant cases (BE, CZ, DK, IT, PL and SK) makes that one case with a very long duration can considerably affect the average. In ES, the length for second instance refers also to appeals on grounds of breach of a fundamental right which are normally solved within a shorter period.

True **consumer protection** also requires the effective functioning of the courts adjudicating on the application of rules that protect consumers. The 2015 Scoreboard explores the length that it takes to solve an appeal against the decision of consumer protection authorities applying the Unfair Commercial Practices Directive, the Unfair Contract Terms Directive and the Consumer and Sales Guarantees Directive in Member States. Although the average length for resolving judicial review cases in consumer law at first instance appears to be higher than the average length for civil, commercial, administrative and other cases, the divergence is generally smaller than the one observed in competition law cases.

Figure 15

Time needed to resolve appeals to decisions of consumer protection authorities* (in days)

source: *pilot data collection exercise carried out by the European Commission with the Consumer Protection Cooperation Network*



* The scenario considered for this figure was not applicable to BE, LU, AT, FI, SE and UK since certain consumer protection authorities are not empowered to adopt decisions declaring an infringement of these rules. There were no relevant cases in DE, IE and MT within this period. In FR cases of appeal are marginal. The calculation of the average length has been carried out on the basis of samples of cases of judicial review of decisions of a consumer protection authority applying the Unfair Contract Terms Directive, Consumer Sales and Guarantee Directive, Unfair Commercial Practices Directive and their national implementing provisions which were solved by courts in 2012 and 2013. The size of samples varies across Member States.[21]

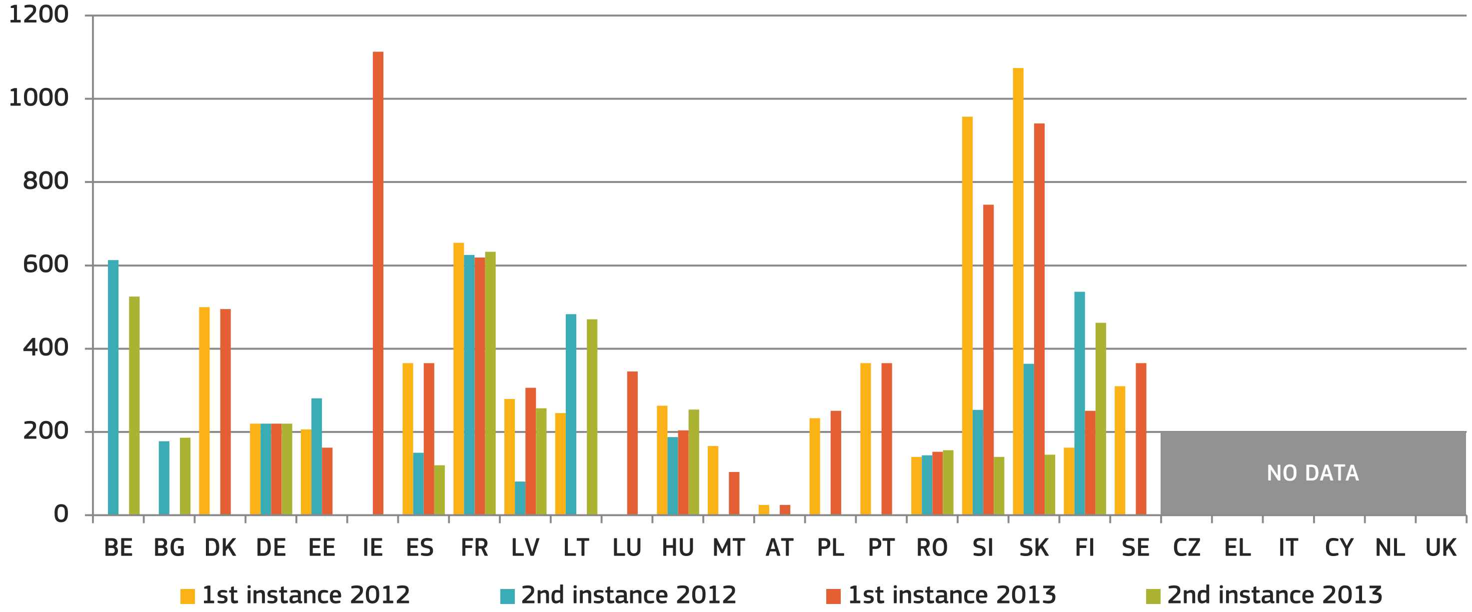
21 In general, data does not cover financial services and products. In CZ data have been collected from the authorities responsible for the Unfair Commercial Practices Directive. The number of relevant cases in DK, EE, FR, HR, NL, SI and SK is low, which means that one case with a very long duration can considerably affect the average. For ES, data do not cover all Autonomous Communities. Data from IT, PL and RO are based on an estimation provided by the consumer protection authority.

Growth in more innovative sectors, notably including those relying on intangible assets, such as intellectual property rights, is dependent on a well-functioning law enforcement system.[22] For this reason, this year the Scoreboard gathers specific data on the average length of time needed for cases of infringement of a **Community trademark** dealt with by national courts at first and second instance. With some exceptions, the differences in length in comparison with the average length for civil, commercial, administrative and other cases are smaller than in the two previously considered cases.

Figure 16

Time needed to resolve cases of infringement of Community trademark* (in days)

source: *pilot data collection exercise carried out by the European Commission with the European Observatory on infringements of intellectual property rights*



* No cases were identified in HR. The calculation on the length has been carried out on the basis of samples of cases relating to Community trade mark infringements where decisions were issued in 2012 and 2013. The samples of cases have been collected by members of the European Observatory on Infringements of intellectual property rights.[23] Where statistics on length for these cases were available, samples of cases have not been used.

22 See for example «What makes civil justice effective?", OECD Economics Department Policy Notes, No. 18 June 2013 and «The Economics of Civil Justice: New Cross-Country Data and Empirics», OECD Economics Department Working Papers, No. 1060.

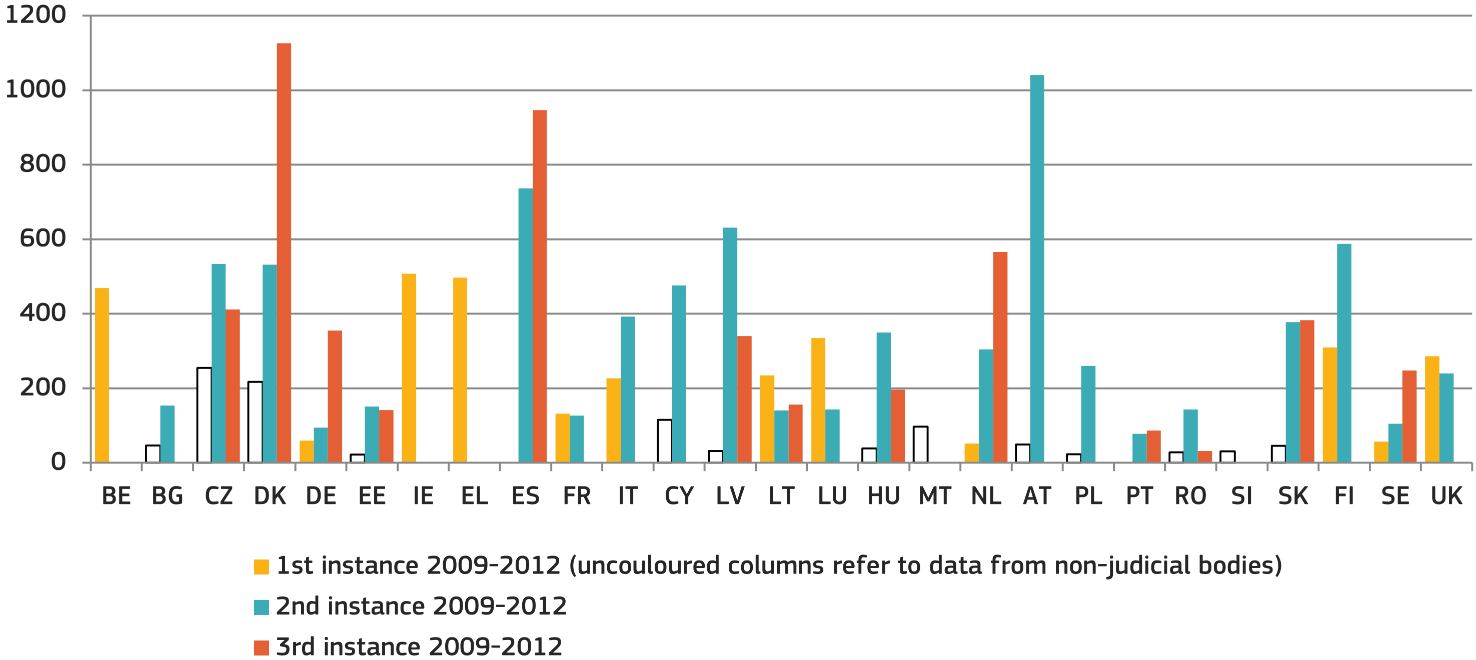
23 The size of samples varies across Member States. For DK, statistical data relates also to cases in which national trade mark law was applied by the Maritime and Commercial Court. DE does not have specific statistics for Community trade mark cases as statistics are collected for all cases related to industrial property. The figures provided are based on estimates by courts. In SK, second instance refers to the Supreme Court in 2012 and to cases heard in second instance by the District Court of Bratislava in 2013. In some Member States (EE, LT, LU, HU, FI and in SI for second instance) the number of relevant cases is limited. In IE there was only one relevant case within this period.

Finally, the Scoreboard also gathers data on the time taken to solve cases related to public procurement. **Public procurement** rules ensure that public contracts are awarded in an open, fair and transparent manner. The chart below presents data for the first, second and third instances in cases where national courts apply remedies further to actions introduced before the contract is concluded. Data are provided for the years 2009-2012. The graph shows that non-judicial entities resolving at first instance (the Public Procurement Remedies Directive allows for this possibility) tend to have shorter proceedings than judicial bodies. While remedies appear to function smoothly at this first instance, appeals at further stages take more time.

Figure 17

Time needed to resolve cases in which public procurement rules applied* (in days)

source: *pilot study*[24]



* The calculation of the average length has been carried out on the basis of samples of cases relating to remedies foreseen under the Public Procurement Directive before the contract is concluded where decisions were issued between 2009 and 2012. In those Member States where first instance appeals are solved by a non-judicial body (BG, CZ, DK, EE, ES, CY, LV, HU, MT, AT until 2014, PL, RO, SI and SK) data for this instance appear in white. The study did not cover HR which joined the EU in July 2013.[25] Average length could not be retrieved for first instance in ES and PT and for second instance in IE and MT.

For the 2015 Scoreboard, initial research[26] was carried out to map the enforcement procedure and the time needed to satisfy claims. As very few sources collect comparative data on the length of enforcement, an appropriate methodology was elaborated. This led to an approach which focused on the collection of a representative sample of data on the length of time between the moment a final judicial decision has been made and, respectively, the moment the defendant's bank account is frozen, as well as the moment the frozen funds are actually recovered. Extensive contact with relevant stakeholders, such as courts or bailiffs in various geographical locations, was made in order to substantiate the appropriateness of the methodology used for the research. Despite the scarcity of data, certain information has been provided on the length of enforcement proceedings. For example, in Italy the research shows that it takes 136 days from the final judicial decision to the recovery of the assets which includes 23 days from the judicial decision until the freezing of the bank account. The data from Finland show that on average, it takes 21 days from the judicial decision until the bank account is frozen.

24 Economic efficiency and legal effectiveness of review and remedies procedures for public contracts, by Europe Economics, study prepared for the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs of the European Commission, available at: http://ec.europa.eu/growth/single-market/public-procurement/modernising-rules/evaluation/index_en.htm
25 Data for HR are available at the web page of the Croatian State Commission for supervision of public procurement procedures in their annual reports.
26 *Case study on the functioning of enforcement proceedings relating to judicial decision in Member States,* Matrix, study prepared for the European Commission (Directorate-General Justice and Consumers), available at: http://ec.europa.eu/justice/effective-justice/index_en.htm

Conclusions on the efficiency of justice systems

- **The third edition of the EU Justice Scoreboard seeks to identify possible trends**.[27] A cautious and nuanced approach is required. The situation varies significantly, depending on the respective Member State and indicator.[28] Furthermore, data are not always available for all Member States and for the three years covered. Reaping the rewards of justice reform takes time. As the Scoreboard is a regular exercise, it will keep track of progress.

- **In general, for those Member States for which data are available, some improvement in the efficiency of justice systems in Member States can be observed**. Over the years covered,[29] it appears that **more Member States show a positive rather than a negative trend in terms of disposition time and clearance rate in litigious civil and commercial cases and administrative cases**. For pending cases it is not possible to identify a clear common trend in either direction, except for a sustained decrease of pending cases in civil, commercial, administrative and other cases.

- **Amongst Member States facing particular challenges, positive trends appear to prevail, with a few exceptions.** The positive signs that appear in certain Member States[30] undertaking ambitious reforms should encourage them to continue their efforts with determination and commitment.

- **The pilot data collection exercises seem to indicate that the performance of courts varies depending on the area of law concerned.** For example, litigation in certain areas where national courts act as Union courts, such as competition law and consumer protection law, can take longer to resolve than in the broader area of civil, commercial and administrative cases. By contrast, in the public procurement area, Member States resolve cases within shorter periods.

- **These data on specific areas of law also indicate differences between first and second instance proceedings. However, a common trend in the length of proceedings** between these two instances across the EU cannot be identified.

27 A trend, as reflected in the three Scoreboards, can reveal very different situations; for example, changes in length of proceedings can range from 10 days (or fewer) to 100 days (or more).
28 For more detail on the variations see in particular the country fiches in the 2015 Study on the functioning of judicial systems in the EU Member States, carried out by the CEPEJ Secretariat for the Commission.
29 2010, 2012, 2013.
30 E.g. EL.

3.2 Quality of justice systems

High-quality institutions, including national justice systems, are a determinant for economic performance. Effective justice requires quality throughout the whole justice chain. A lack of quality of justice decisions may increase business risks for large companies and SMEs and affect consumer choices.

All Member States are taking measures to support the quality of their justice systems. Although there is no single agreed way of measuring the quality of the justice system, the Scoreboard uses certain parameters, which are generally accepted as relevant[31] and that can help to improve the quality of justice.

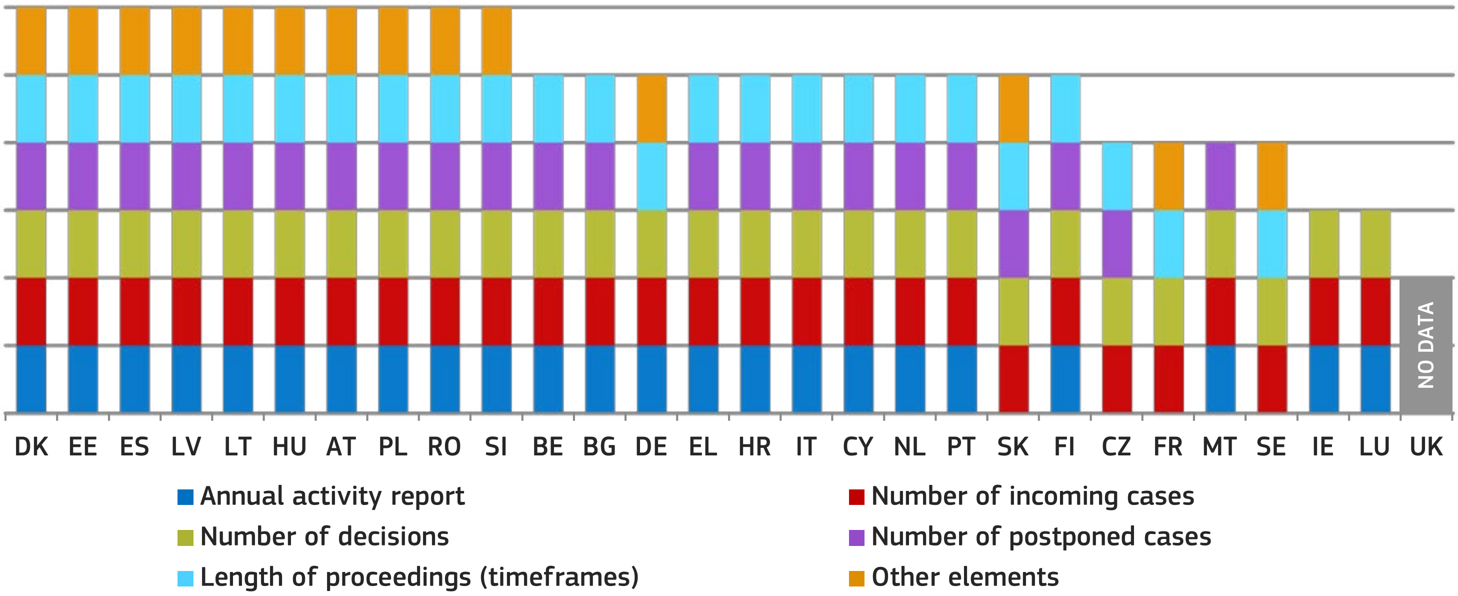
3.2.1 Monitoring, evaluation and survey tools to support the quality of justice systems

Monitoring and evaluation of the activities of courts are tools which help improve the predictability and timeliness of justice decisions and court functioning.[32] These tools can consist in monitoring the day-to-day activity of the courts thanks to data collection. They can also consist in a more prospective evaluation of the court system, for example by using quality indicators or even by defining quality standards for the whole justice system. Surveys conducted amongst professionals who work in courts and/or users of the courts can also provide relevant information to enhance the quality of the justice system.

Figure 18

Availability of monitoring of court activities in 2013*

source: *CEPEJ study*[33]



* Monitoring systems aim to assess the day-to-day activity of the courts, thanks in particular to data collection and statistical analysis. For FR differences from the previous Scoreboard edition derive from the correction of data which is stable for both years. Data for ES and PL stems from 2012.

31 See for example CEPEJ "Checklist for promoting the quality of justice and the courts"; Opinion n°6 (2004) Consultative Council of European Judges (CCJE) available at: https://wcd.coe.int/ViewDoc.jsp?Ref=CCJE(2004)OP6&Sector=secDGHL&Language=lanEnglish&Ver=original&BackColorInternet=FEF2E0&BackColorIntranet=FEF2E0&BackColorLogged=c3c3c3

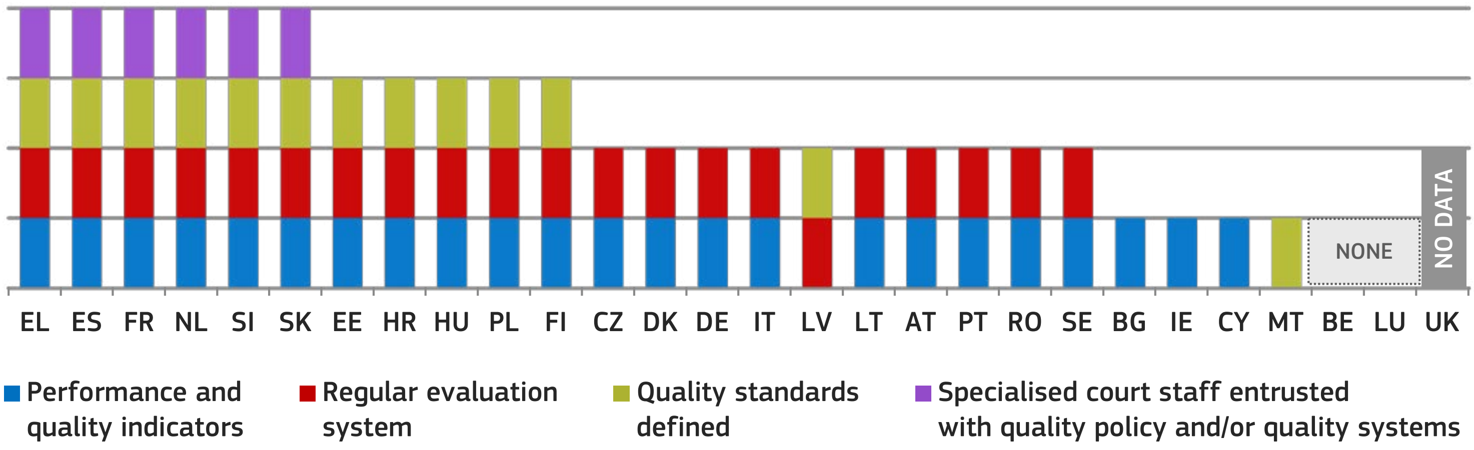
32 CCJE Opinion n°6 (2004) § 34 (...) the evaluation of «quality» of the justice system, i.e. of the performance of the court system as a whole or of each individual court or local group of courts, should not be confused with the evaluation of the professional ability of every single judge.

33 Data on "other elements" include for example appealed cases (EE, LV), hearings (SE), or number of cases solved within certain time brackets (DK).

Figure 19

Availability of evaluation of court activities in 2013*

source: *CEPEJ study*

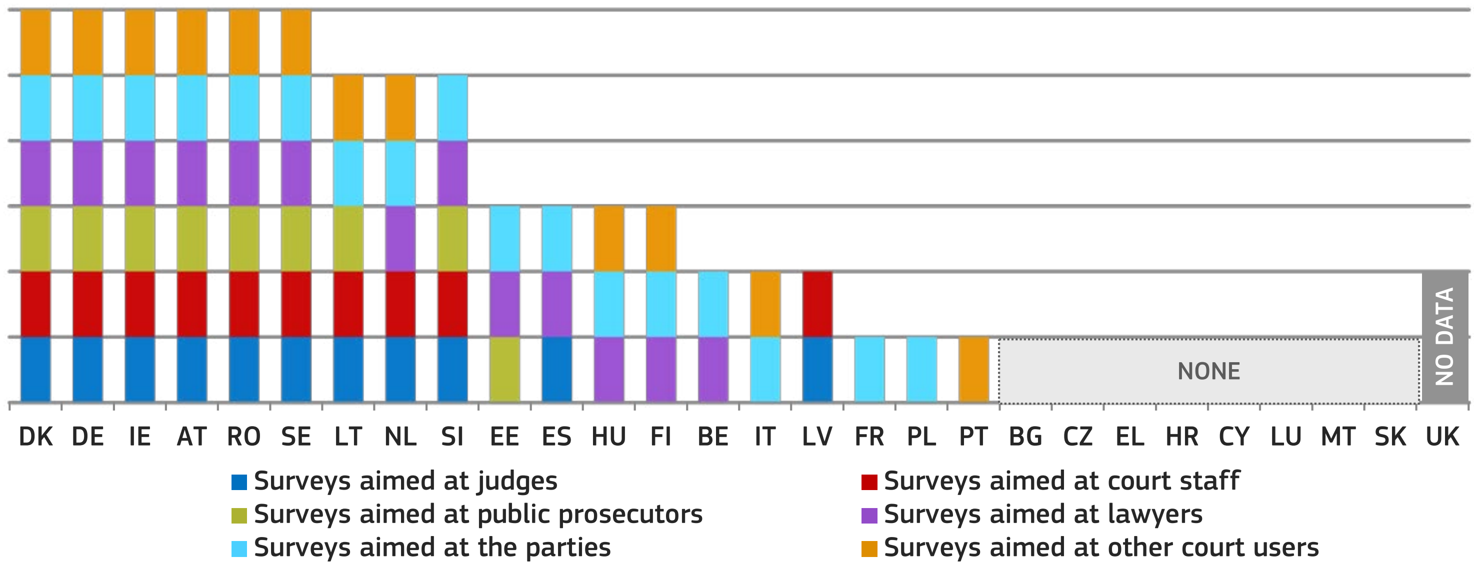


* The evaluation system refers to the performance of courts, generally using indicators and targets. In addition some Member States define quality policies and standards for the whole judicial system. In RO, performance indicators on the activity of courts are used regularly. For all the other Member States the results are identical to the data collected for 2012. Data for ES and PL stems from 2012.

Figure 20

Surveys conducted among court users or legal professionals in 2013*

source: *CEPEJ study*



* Surveys aimed at public prosecutors have been reported as decreasing in NL, while those aimed at lawyers, parties and other court users have been reported as increasing in HU and LT respectively. For all the other Member States the results are identical to the data collected for 2012. Data for EL, ES and PL stems from 2012.

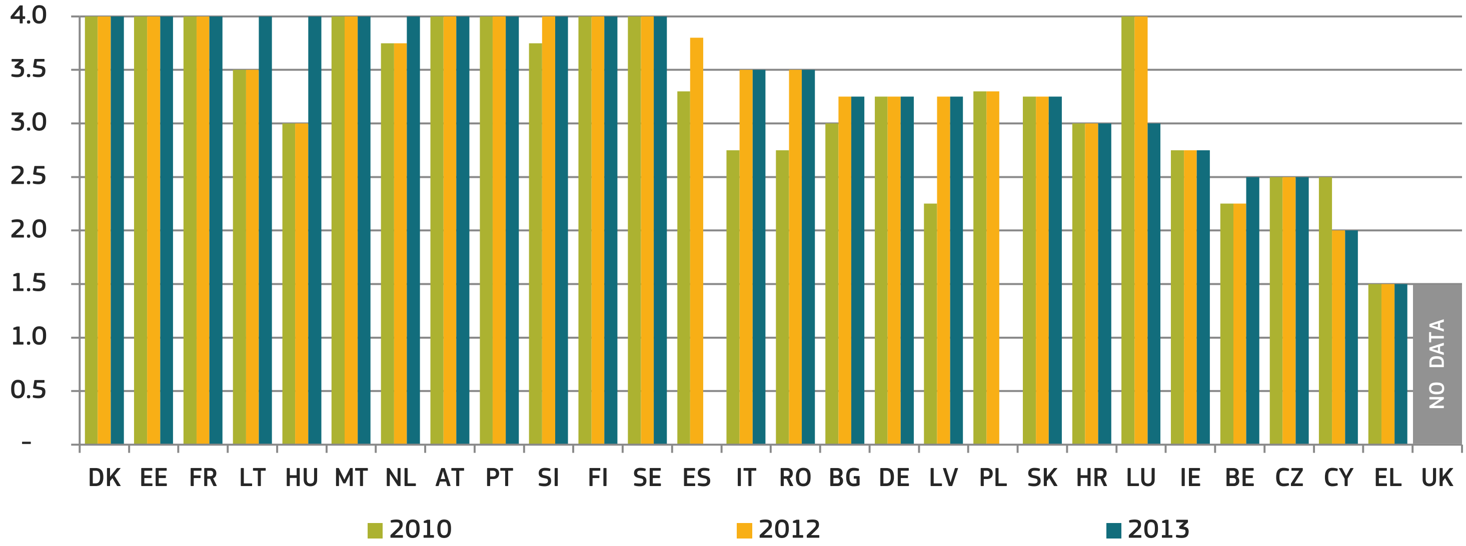
3.2.2 Information and communication technology systems help to reduce the length of proceedings and to facilitate access to justice

ICT systems for the registration and management of cases are indispensable tools at the disposal of courts for the effective time management of cases, as they help to improve the rate at which the court can handle cases and thereby reduce the overall length of proceedings. ICT systems for communication between courts and parties (e.g. electronic submission of claims) can contribute to reducing delays and costs for citizens and businesses by facilitating the access to justice. ICT systems also play an increasingly important role in cross-border cooperation between judicial authorities and thereby facilitate the implementation of EU legislation.

Figure 21

ICT Systems for the registration and management of cases* (weighted indicator-min=0, max=4)

source: *CEPEJ study*

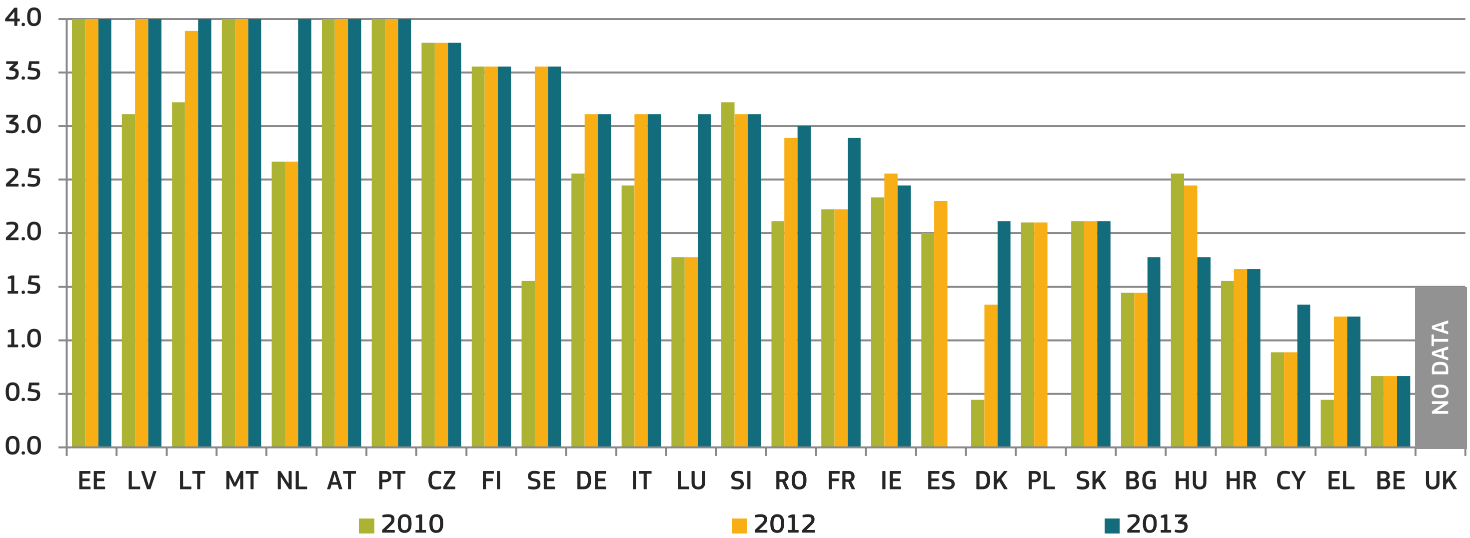


* Composite indicator constructed from several ICT indicators (case registration system, court management information system, financial information system, videoconferencing) that measure availability of these systems from 0 to 4 (0= available in 0% of courts; 4=available in 100% of courts).

Figure 22

Electronic communication between courts and parties* (weighted indicator-min=0, max=4)

source: *CEPEJ study*



* Composite indicator constructed from several ICT indicators (electronic web forms, website, follow-up of cases online, electronic registers, electronic processing of small claims, electronic processing of undisputed debt recovery, electronic submission of claims, videoconferencing, other electronic communication facilities) that measure availability of these systems from 0 to 4 (0= available in 0% of courts; 4=available in 100% of courts).

Figure 23

Electronic processing of undisputed debt recovery (0 = available in 0% of courts, 4 = available in 100% of courts)

source: *CEPEJ study*

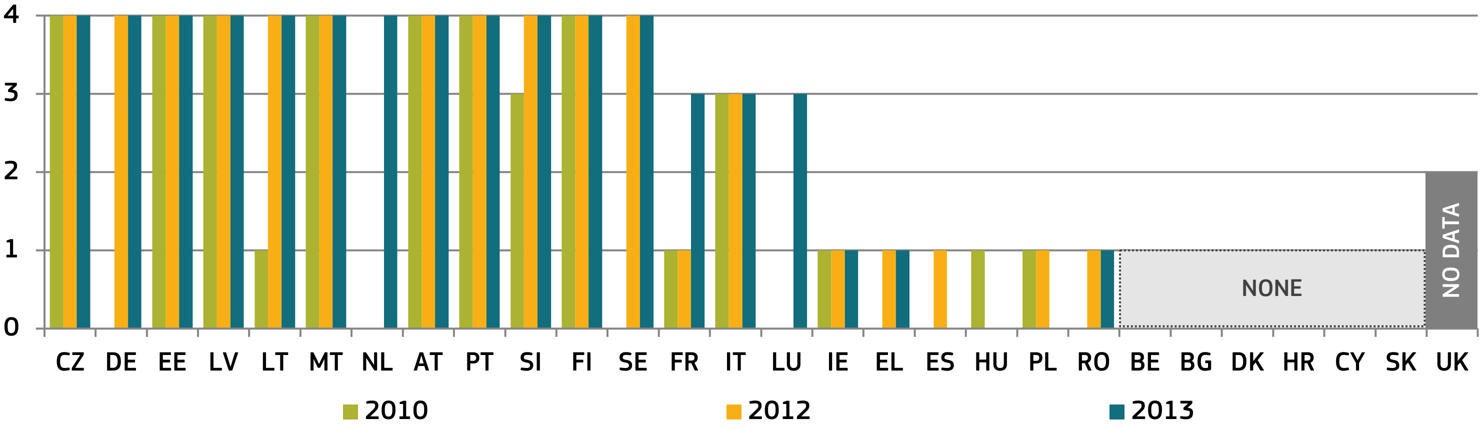
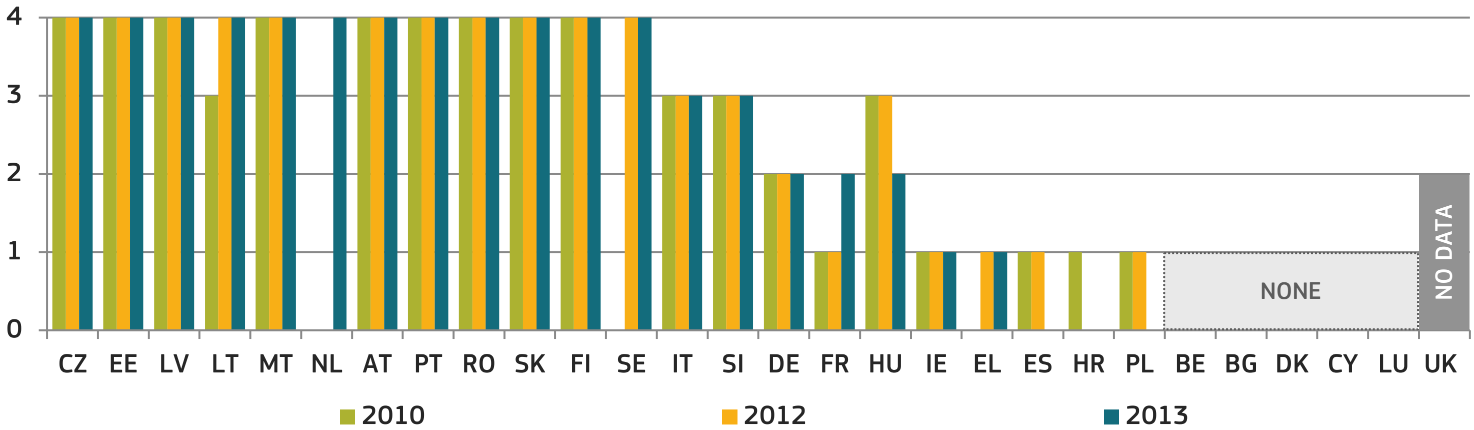


Figure 24

Electronic submission of claims (0 = available in 0% of courts, 4 = available in 100% of courts)

source: *CEPEJ study*

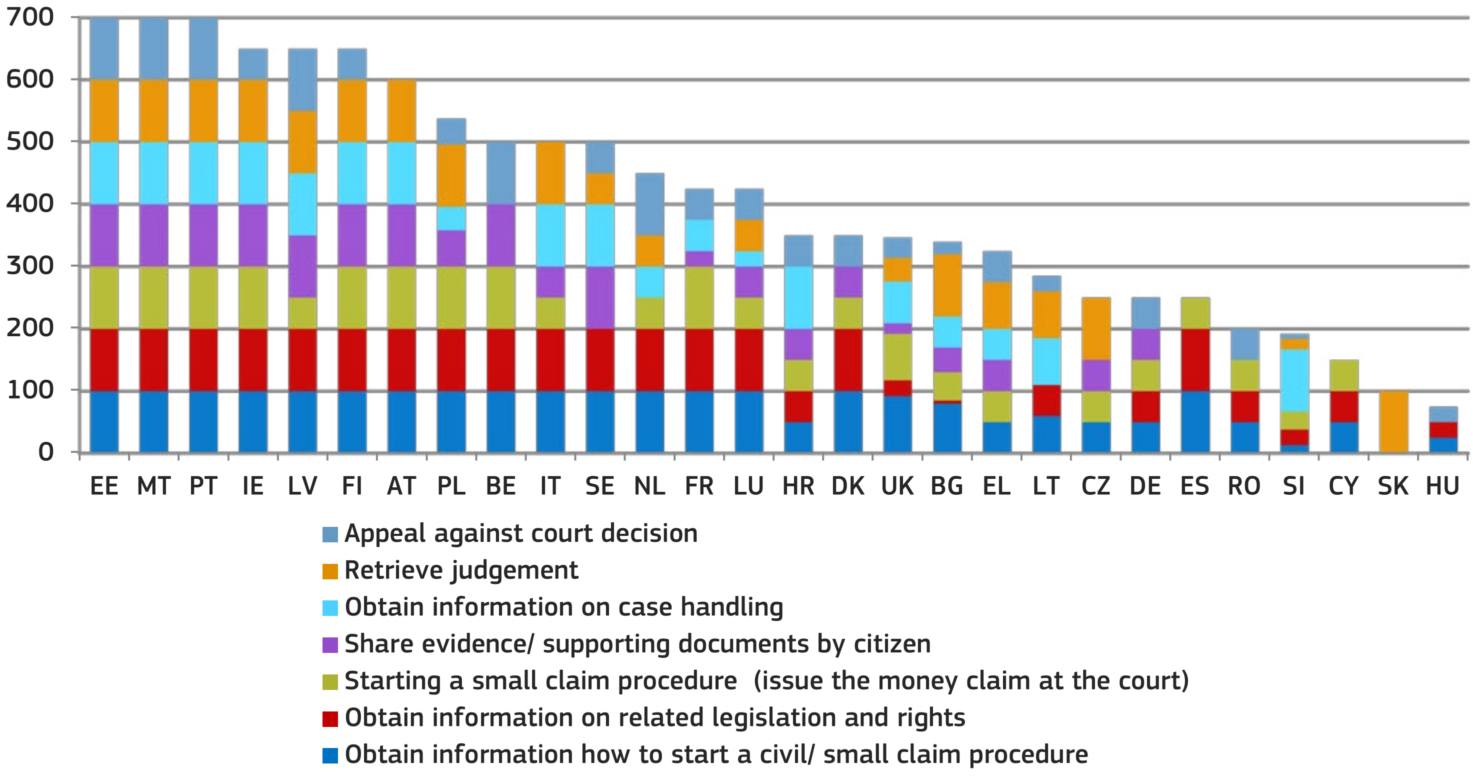


An effective **small claims procedure**, whether at national or at European level, is key for improving citizens' access to justice and for enabling them to make better use of their consumer rights. The importance of cross-border online small claims procedures is also increasing due to cross-border e-commerce. One of the policy goals of the European Commission is therefore to simplify and speed up small claims procedures by improving the communication between judicial authorities and by making smart use of ICT. The eventual goal is to reduce administrative burden for all user groups: courts, judicial actors and end users.

The 11th e-government benchmarking report[34] commissioned by the European Commission measures for the first time the quality of small claims procedures online in EU Member States. For this study, the assessment of the small claims procedure was carried out by researchers (so-called 'Mystery Shoppers').[35] The purpose was to detect whether online public service provisions are organised around users' needs. For this purpose each researcher acted as a regular citizen and his/her 'journey' was time-boxed, i.e. each mystery shopper had one day to assess one life event. This implies that when a particular feature could not be found within this time, it was answered negatively. A negative response does therefore not mean per se that the particular feature was not online available – it does, however, suggest that it was not easy to find intuitively, without too many clicks, and that it is very likely that regular citizens or entrepreneurs would not use it / find it either.

Figure 25

Benchmarking of small claims procedures online (for each category maximum 100 points, in total maximum 700 points)
source: *Delivering on the European Advantage? 'How European governments can and should benefit from innovative public services', study prepared for the European Commission (Directorate-General Communications Networks, Content and Technology*[36]



34 11th e-Government Benchmark report (SMART 2013/0053-3). Available at: http://ec.europa.eu/digital-agenda/en/news/eu-egovernment-report-2014-shows-usability-online-public-services-improving-not-fast
35 Mystery Shoppers are trained and briefed to observe, experience, and measure a (public service) process by acting as a prospective user. Each mystery shopper has one day to assess a life event.
36 Available at: http://ec.europa.eu/digital-agenda/en/news/eu-egovernment-report-2014-shows-usability-online-public-services-improving-not-fast

3.2.3 Courts' communication policies

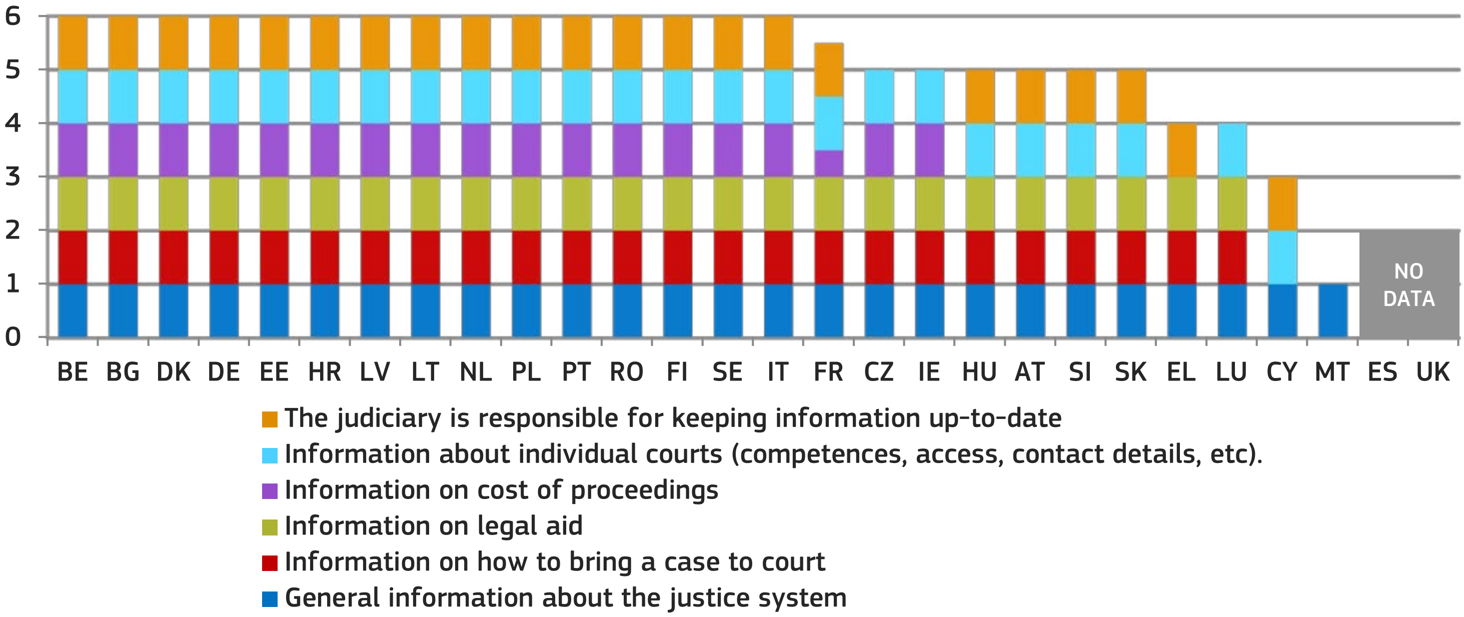
Courts' communication efforts are crucial to help citizens and businesses to make informed decisions about avenues for redress (judicial or non-judicial) and contribute to the necessary trust in the judicial system. The media plays a crucial role in reporting on court cases. By seeking to improve contact between courts and the media, the judiciary can better inform the public of judicial work (scope, limitations and complexities) and contribute to the quality of reporting (e.g. avoiding factual mistakes).

In 2014, the Commission launched an exchange of information between Member States on practices and policies on courts communication. This revealed the need to have a better overview of practices in this field. As a follow-up, the Commission carried out a mapping of current practices in cooperation with Member States,[37] on the important parameters of an effective courts' communication policy.[38] This included the availability of information for the general public; the ways in which courts organise their relations with the press/ media; training for judges on communication with parties and the press; availability and practices regarding the publication of court decisions online (at all levels of the judicial system).

Figure 26

Availability of online information about the judicial system for the general public*

source: *European Commission*[39]



* For each of the categories in the figure 1 point can be awarded. As a federal state, DE is characterised by decentralised structures. Therefore the federal states decide by themselves which information to provide online and are thus in charge of keeping the information updated. The same applies at federal level.

37 Data have been collected in cooperation with the group of contact persons on national justice systems.

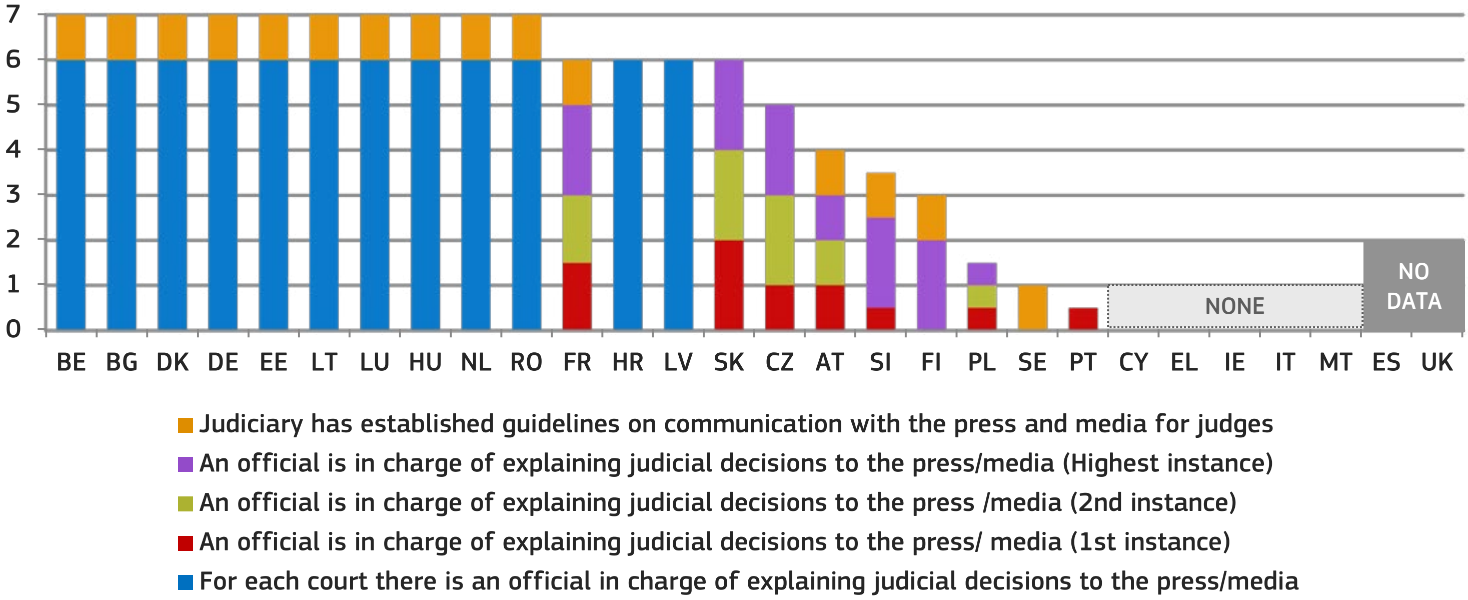
38 The parameters of the questionnaire built upon the Opinion n°7 (2005) of the Consultative Council of European Judges (CCJE) on «Justice and society», (available at: https://wcd.coe.int/ViewDoc.jsp?Ref=CCJE(2005)OP7&Sector=secDGHL&Language=lanEnglish&Ver=original&BackColorInternet=FEF2E0&BackColorIntranet=FEF2E0&BackColorLogged=c3c3c3, the report of the European Network of Councils for the Judiciary «Justice, society and the media» (available at: http://encj.eu/images/stories/pdf/GA/Dublin/encj_report_justice_society_media_def.pdf) and is complementary to the data collected by the European Commission for the Efficiency of Justice of the Council of Europe (CEPEJ).

39 Data have been collected in cooperation with the group of contact persons on national justice systems.

Figure 27

Relations between courts and the press/ media*

source: *European Commission*[40]

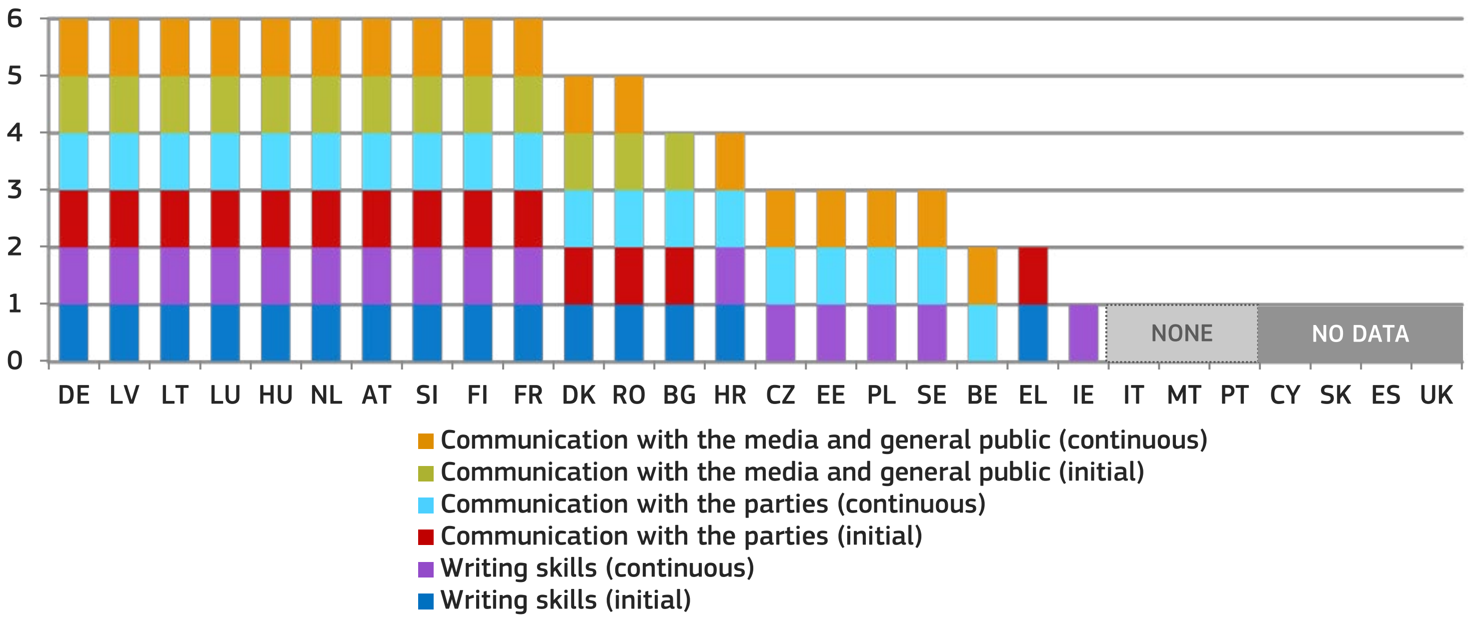


* For each instance (1st, 2nd and 3rd) two points can be awarded if there is a press officer or 'press judge' that covers both civil/ commercial cases and administrative cases. If only one category of cases is covered (e.g. either civil/ commercial or administrative) only one point is awarded. If there is a press officer for some courts 0,5 points are awarded per instance (1st, 2nd and 3rd). In IE the Courts Service does have a Media Relations Advisor who prepares and issues press releases to the media.

Figure 28

Availability of training for judges on communication with parties and the press*

source: *European Commission*[41]



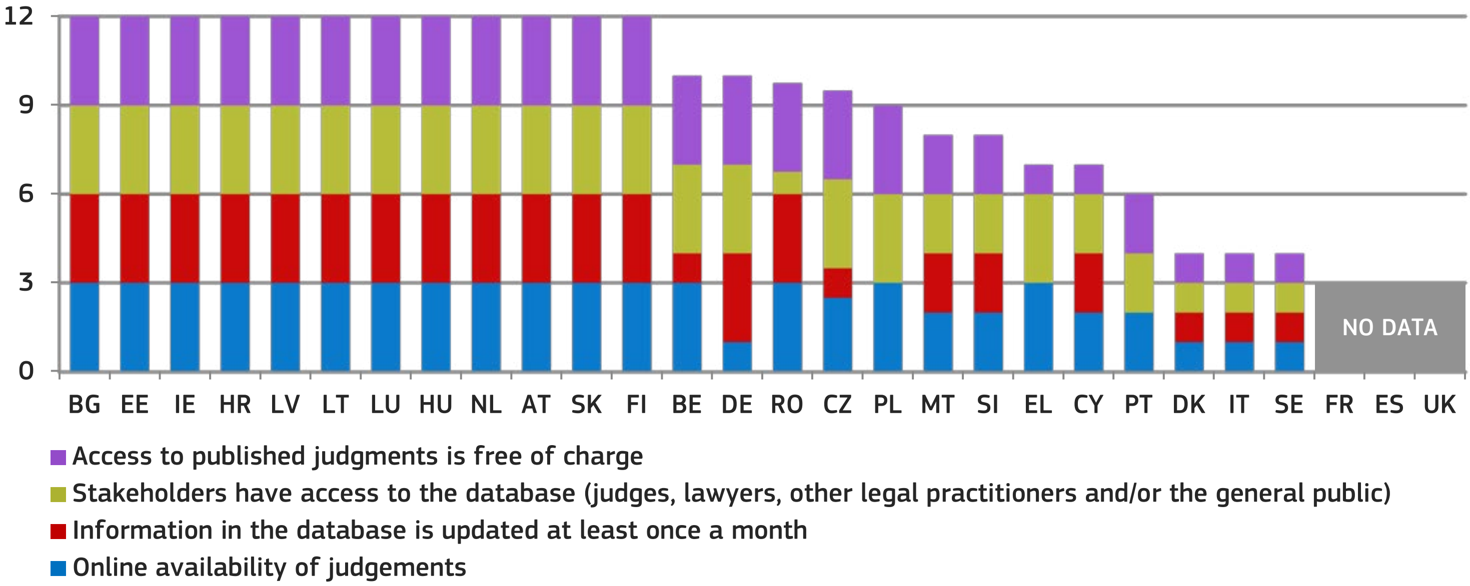
* For each of the categories in the figure 1 point can be awarded.

40 Data have been collected in cooperation with the group of contact persons on national justice systems.
41 Data have been collected in cooperation with the group of contact persons on national justice systems. For each of the categories in the figure 1 point can be awarded.

Figure 29

Access to published judgements online* (civil and commercial cases, all instances)

source: *European Commission*[42]

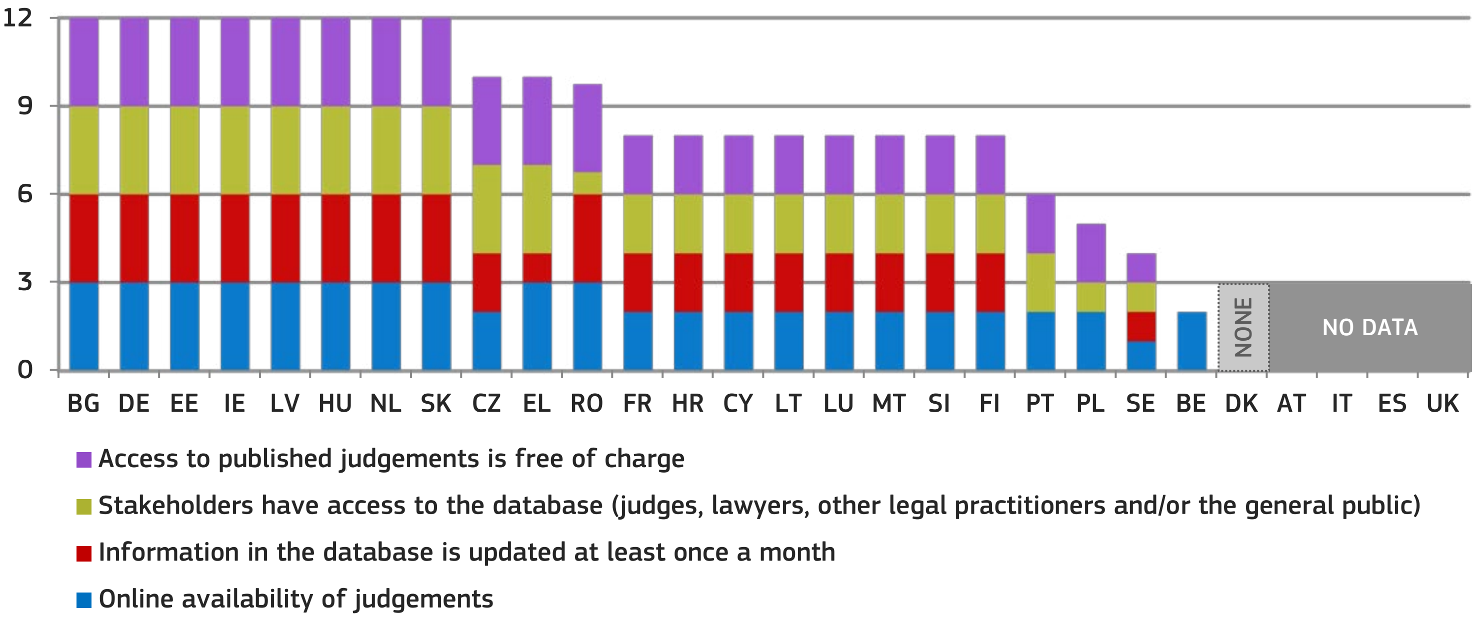


* For the categories 'Online availability of judgements', 'Information in the database is updated at least once a month', and 'Access to published judgments is free of charge' 3 points are awarded when this is the case for all instances (1st, 2nd and 3rd). When the service is only available at for certain court instances (1 or 2 points are awarded). When the service is only available for some courts 0,5 points are awarded per instance. For the category 'Stakeholders have access to the database (judges, lawyers, other legal practitioners and/or the general public', 1 point is awarded when all stakeholders are covered. If the general public has no access, 0,25 points are awarded for each stakeholder which has access (e.g. judges = 0,25 points, lawyers = 0,25 points, other legal practitioners = 0,25 points).

Figure 30

Access to published judgements online* (administrative cases, all instances)

source: *European Commission*[43]



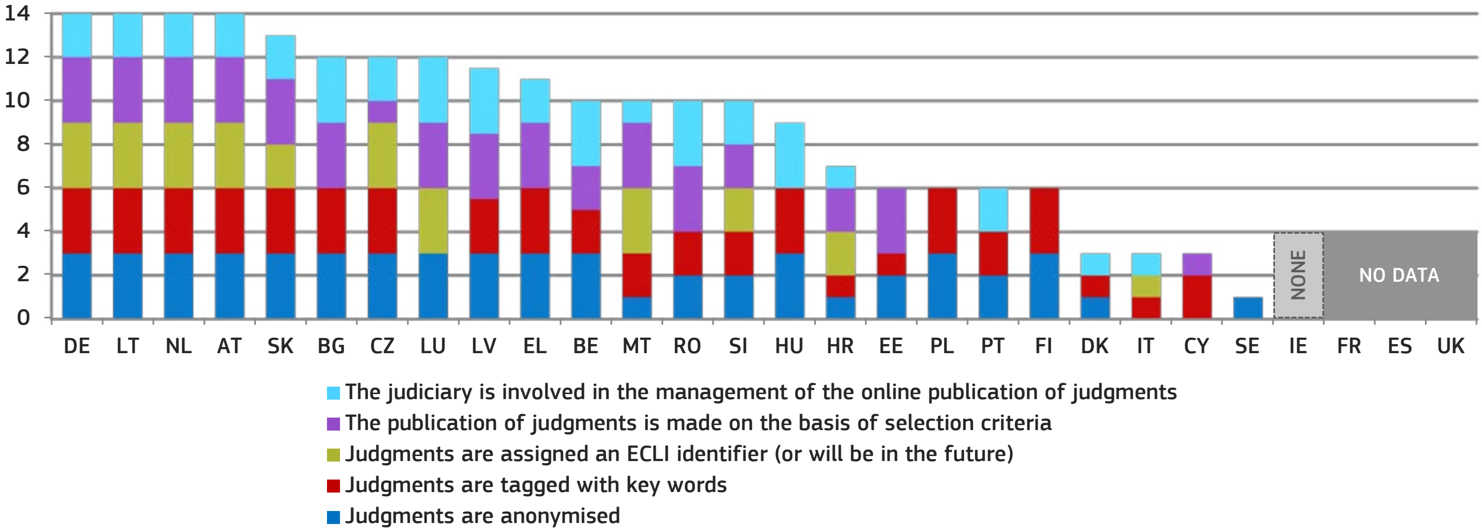
* For the categories 'Online availability of judgments', 'Information in the database is updated at least once a month', and 'Access to published judgments is free of charge' 3 points are awarded when this is the case for all instances (1st, 2nd and 3rd). When the service is only available at certain court instances, 1 or 2 points are awarded. When the service is only available for some courts 0.5 points are awarded per instance. For the category 'Stakeholders have access to the database (judges, lawyers, other legal practitioners and/or the general public', 1 point is awarded when all stakeholders are covered. If the general public has no access, 0.25 points are awarded for each stakeholder which has access (e.g. judges = 0.25 points, lawyers = 0.25 points, other legal practitioners = 0.25 points). In IE the Courts Service's website is the official platform for publication of all judgments of all courts exercising civil and criminal jurisdiction. There is no specific category known as 'administrative cases'.

42 Data have been collected in cooperation with the group of contact persons on national justice systems.
43 Data have been collected in cooperation with the group of contact persons on national justice systems.

Figure 31

Practices regarding the publications of judgments online* (civil and commercial cases, all instances)

source: *European Commission*[44]

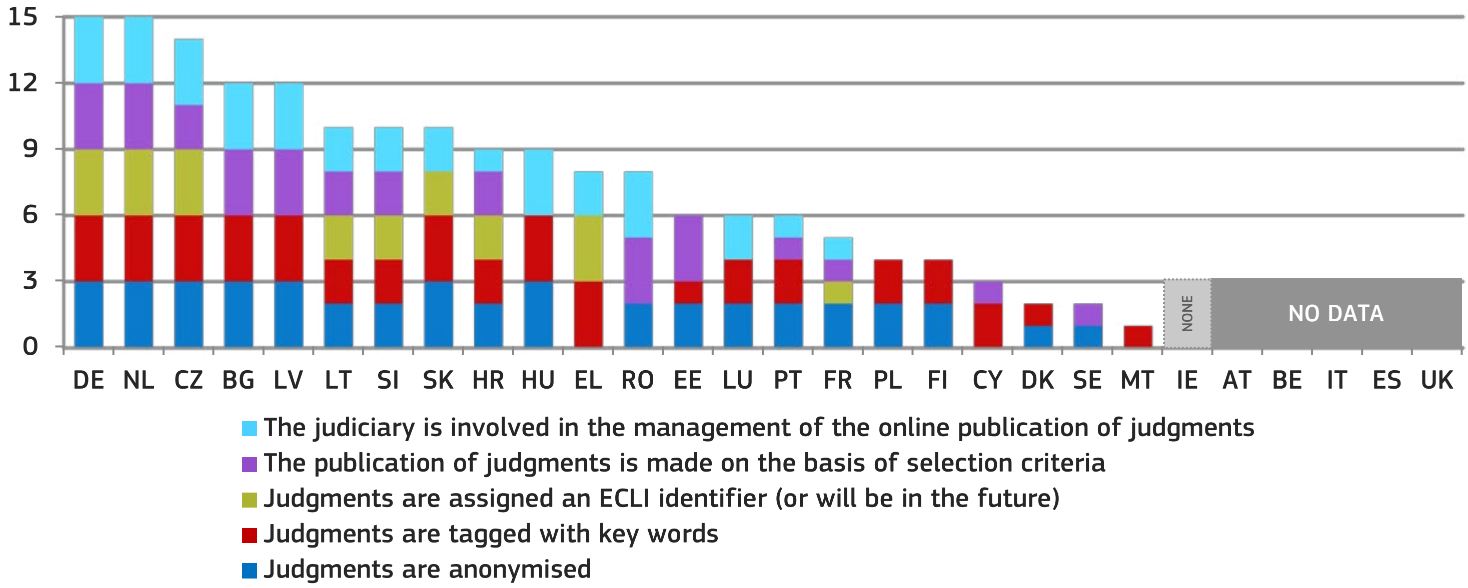


* For the categories 'The publication of judgments is made on the basis of selection criteria', 'Judgments are assigned an ECLI identifier (or will be in the future)', 'Judgments are tagged with key words' and 'Judgments are anonymised', 3 points are awarded when this is the case for all instances (1st, 2nd and 3rd). When the service is only available at for certain court instances (1 or 2 points are awarded depending on the number of instance that are covered). In Malta the second instance court is the highest court.

Figure 32

Practices regarding the publications of judgments online (administrative cases, all instances)*

source: *European Commission*[45]



* For the categories 'The publication of judgments is made on the basis of selection criteria', 'Judgments are assigned an ECLI identifier (or will be in the future)', 'Judgments are tagged with key words' and 'Judgments are anonymised', 3 points are awarded when this is the case for all instances (1st, 2nd and 3rd). When the service is only available at for certain court instances (1 or 2 points are awarded depending on the number of instance that are covered). In Malta, the second instance court is the highest court. In IE the Courts Service's website is the official platform for publication of all judgments of all courts exercising civil and criminal jurisdiction. There is no specific category known as «administrative cases».

44 Data have been collected in cooperation with the group of contact persons on national justice systems.
45 Data have been collected in cooperation with the group of contact persons on national justice systems.

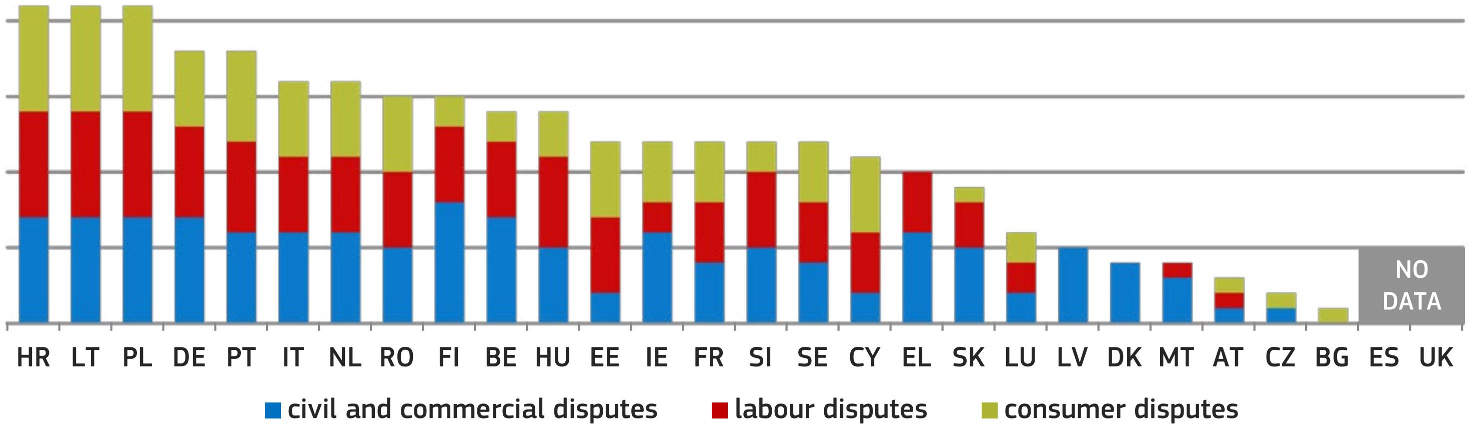
3.2.4 Alternative Dispute Resolution (ADR) methods help to reduce the workload of courts

The ADR covers any methods of resolving disputes other than by litigation in courts. Mediation, conciliation, and arbitration are the most common forms of ADR. By comparison to average litigation, they can help parties to arrive at a compromise in a shorter period of time and foster a more harmonious culture in which there are no winners or losers. ADR can contribute to effective justice and ultimately to an investment-friendly environment and economic growth. All Member States which provided data reported the availability of at least three ADR methods, with a large majority reporting four methods, i.e. judicial and non-judicial mediation, conciliation and arbitration. In spite of the availability of multiple avenues to settle a dispute outside the courtroom, ADR methods remain generally underused in most Member States, as documented in Figure 35. The Scoreboard provides data on Member States' public sector activities to promote and incentivise the use of these methods. While promotional activities are considered voluntary steps, incentives are codified by law or government decree and are thus a requirement. Figure 33 and 34 are based on replies to a questionnaire sent to the Member States' contact persons. Figure 35 is based on a Eurobarometer survey. It sets out the responses of companies which reported having received consumer complaints through various channels in the past 12 months.

Figure 33

Promotion of the use of ADR by the public sector*

source: *European Commission*[46]

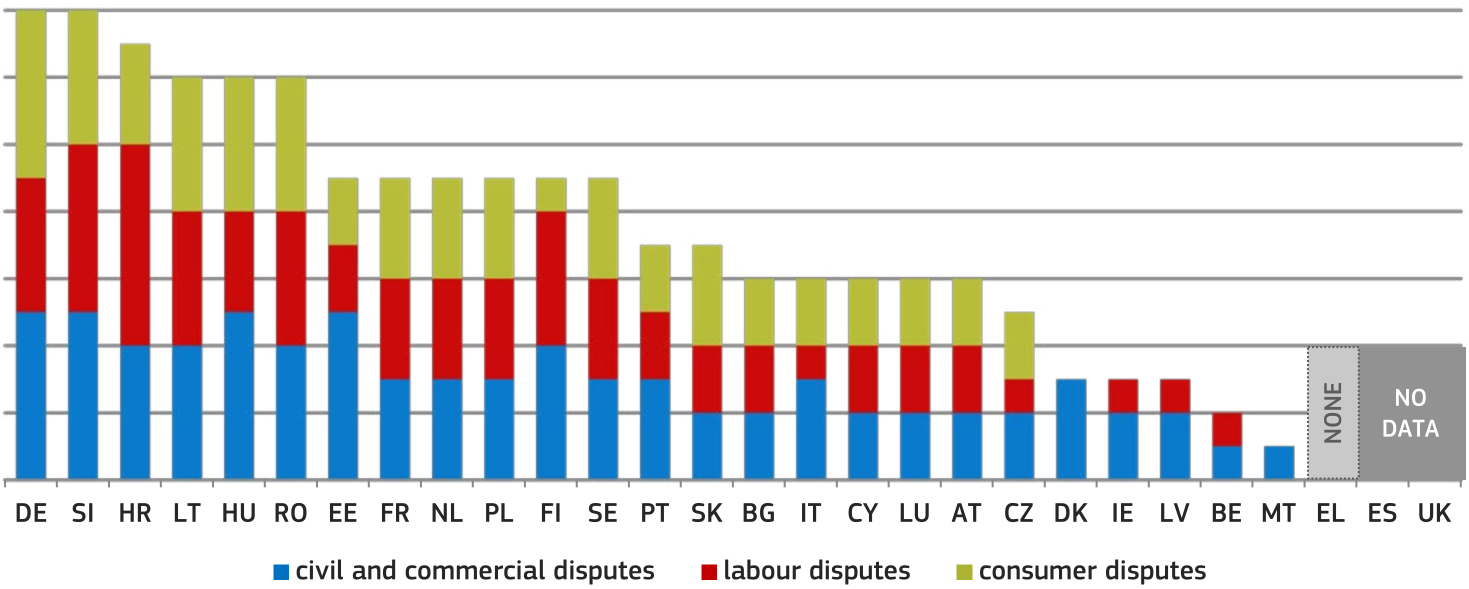


* Aggregated indicator based on the following data: 1) websites providing information on ADR, 2) publicity campaigns in media, 3) brochures to the general public, 4) specific information sessions on ADR are available upon request, 5) specific communication activities organised by courts, 6) publication of evaluations on the use of ADR, 7) publication of statistics on the use of ADR, 8) others. For each promotion tool set out in the questionnaire one point is allocated. For certain Member States additional activities may be undertaken (DE).

Figure 34

Incentives to use ADR*

source: *European Commission*[47]



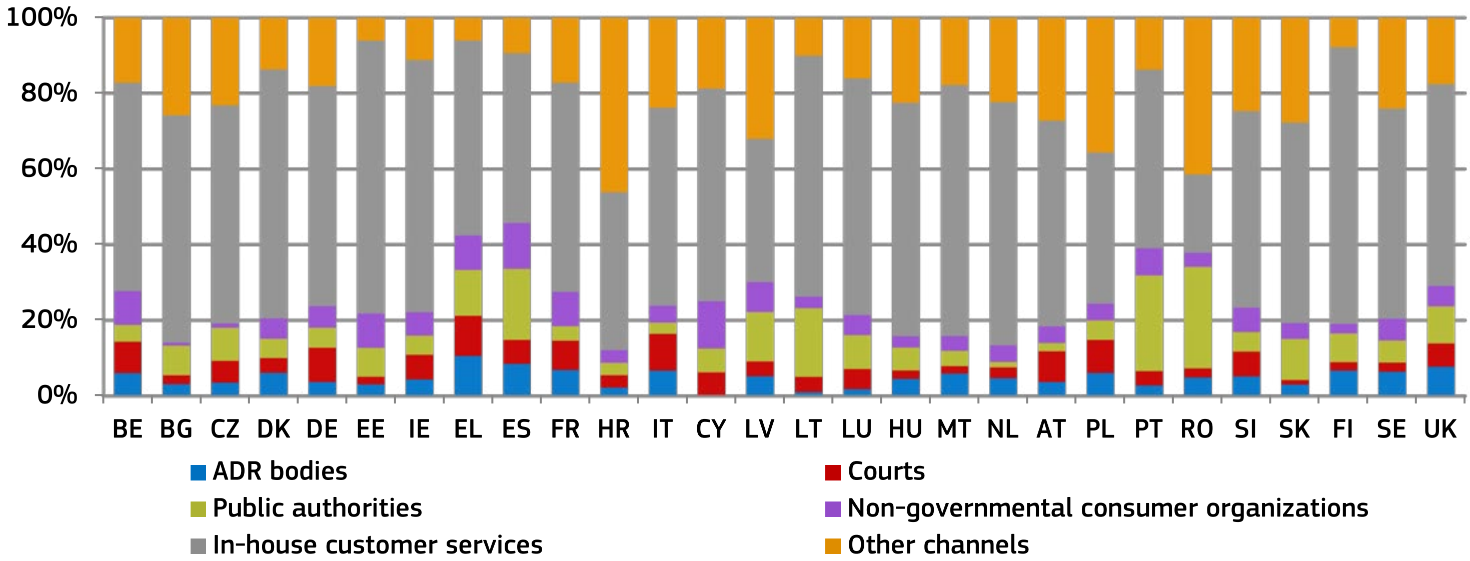
* Aggregated indicator based on the following data: 1) legal aid covers (partly or in full) costs incurred with ADR, 2) full or partial refund of court fees, including stamp duties, if ADR is successful, 3) no lawyer for ADR procedure required, 4) judge can act as mediator, 5) ADR/mediation co-ordinator at courts, 6) others. For each incentive tool set out in the questionnaire one point is allocated. Certain Member States referred to additional method to facilitate the use of ADR (IE). In CZ if the nature of the matter allows, the judge can initiate court settlement and seek a compromise.

46 Data have been collected in cooperation with the group of contact persons on national justice systems.
47 Data have been collected in cooperation with the group of contact persons on national justice systems.

Figure 35

Consumer complaints received by companies through various channels*

source: *Eurobarometer survey*[48]



* The figure does not take into account those responses where retailers had not received any consumer complaints through any channels at all.

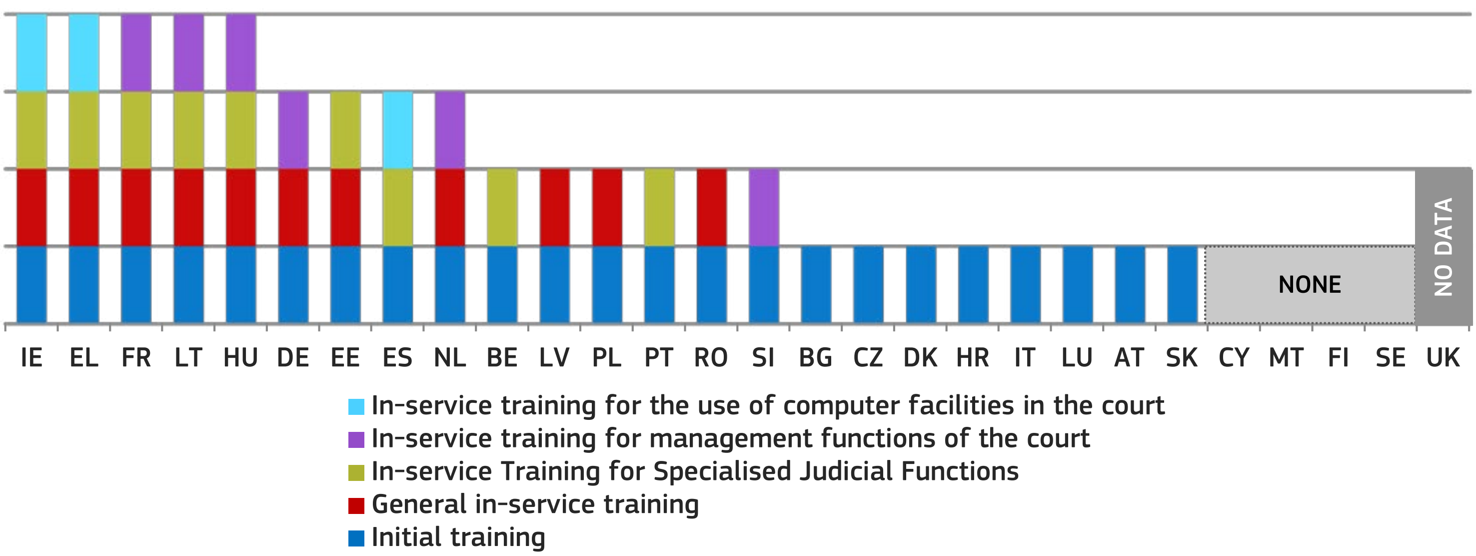
3.2.5 Promoting training of judges can help to improve the effectiveness of justice

The training of judges is an important element for the quality of judicial decisions. Information deriving from the European judicial training 2014 annual report[49] about the current percentage of judges participating in continuous training in EU law, or in the law of another Member State, has also been included.

Figure 36

Compulsory training for judges in 2013*

source: *CEPEJ study*



* DE and HU have reportedly increased the number of compulsory training categories in comparison to 2012. Data for ES and PL stems from 2012.

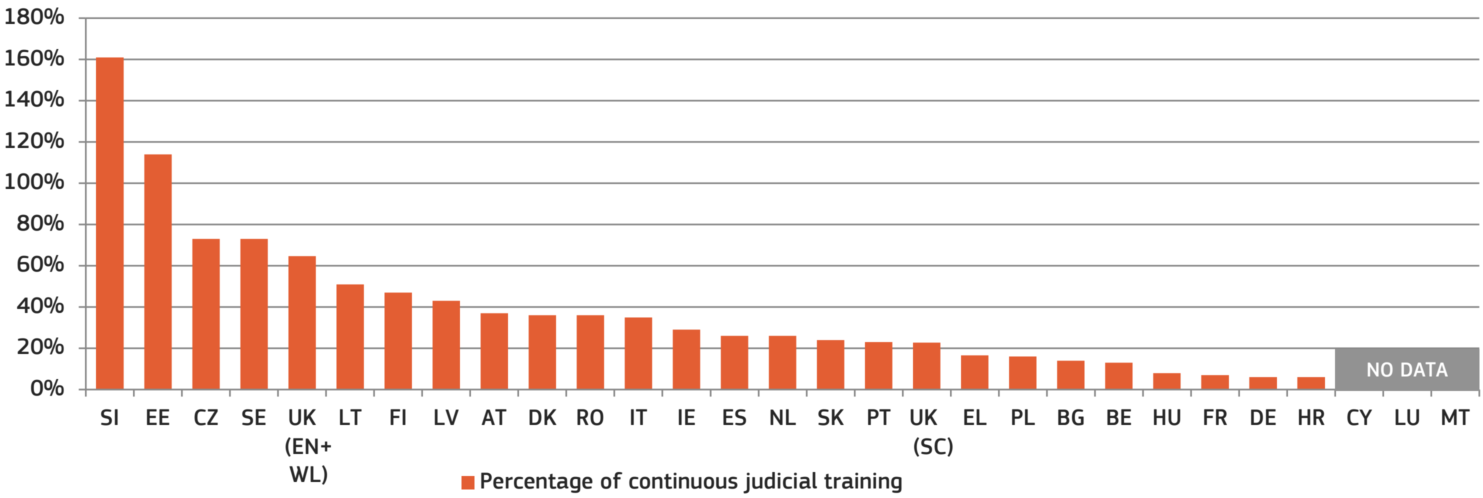
48 Flash Eurobarometer 396, "Retailers' attitudes towards cross-border trade and consumer protection", 2015 (to be published). The survey was conducted amongst retailers' businesses selling to final consumers in the retail and service sectors employing 10 or more persons (per country) in the 28 Member States of the European Union. It excluded wholesale trade and commission trade (NACE code G 51), except of motor vehicles and motorcycles, activities auxiliary to financial intermediation (J 67), research and development (K 73) as well as other business activities (K 74).

49 In 2011 the European Commission set the target that half of all legal practitioners in the EU should have attended training in European law or in the law of another Member State by 2020 and to support this training with EU funds for 20 000 practitioners per year by 2020. The 2014 Report on European Judicial Training describes the progress towards the target set and also contains information on EU-funded training.

Figure 37

Judges participating in continuous training activities in EU Law or in the law of another Member State* (as a % of total number of judges)

source: *European Commission, European Judicial Training, 2014*[50]



* This year, data have been provided for UK (SC). For FR, it includes prosecutors. In a few cases reported by the Member States the ratio of participants to existing members of a legal profession exceeds 100%, meaning that participants took part in more than one training activity on EU law.

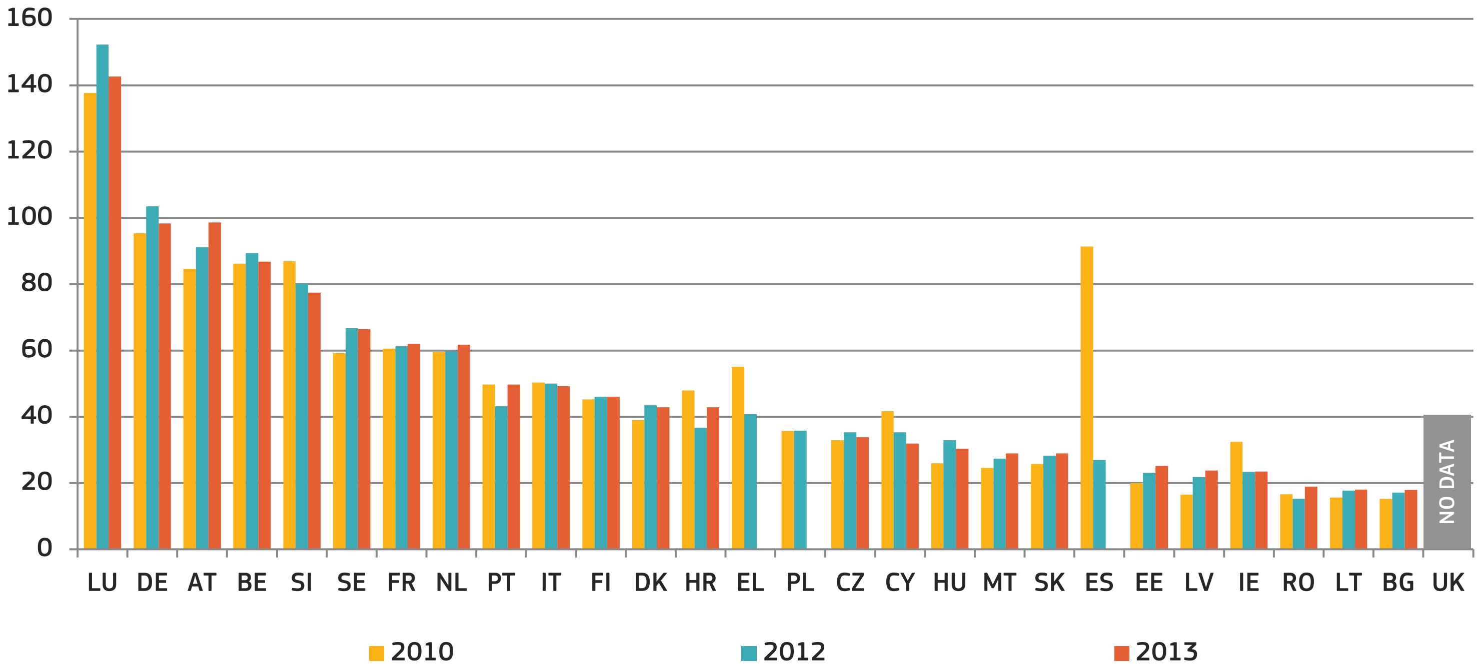
3.2.6 Resources

The table below shows the general total approved budget of courts per inhabitant for 2010, 2012 and 2013. The table reflects relative stability in the budget for courts per inhabitant over three years, with a small increase on average.

Figure 38

Budget for courts* (in EUR per inhabitant)

source: *CEPEJ study*



* Figure 38 indicates the annual approved budget allocated to the functioning of all courts, whatever the source and level of this budget (national or regional). Comparisons should be undertaken with care as figures for AT, BE, FR, EL and LU correspond to the budget for the whole judicial system and include legal aid and prosecution services, data for DE is not complete as it does not cover all Länder and some Member States receive funding from international and European institutions. The significant decrease for ES between 2010 and 2012 reflects the fact that data from the Autonomous Communities and from the Council for the Judiciary was not included in the 2012 data.

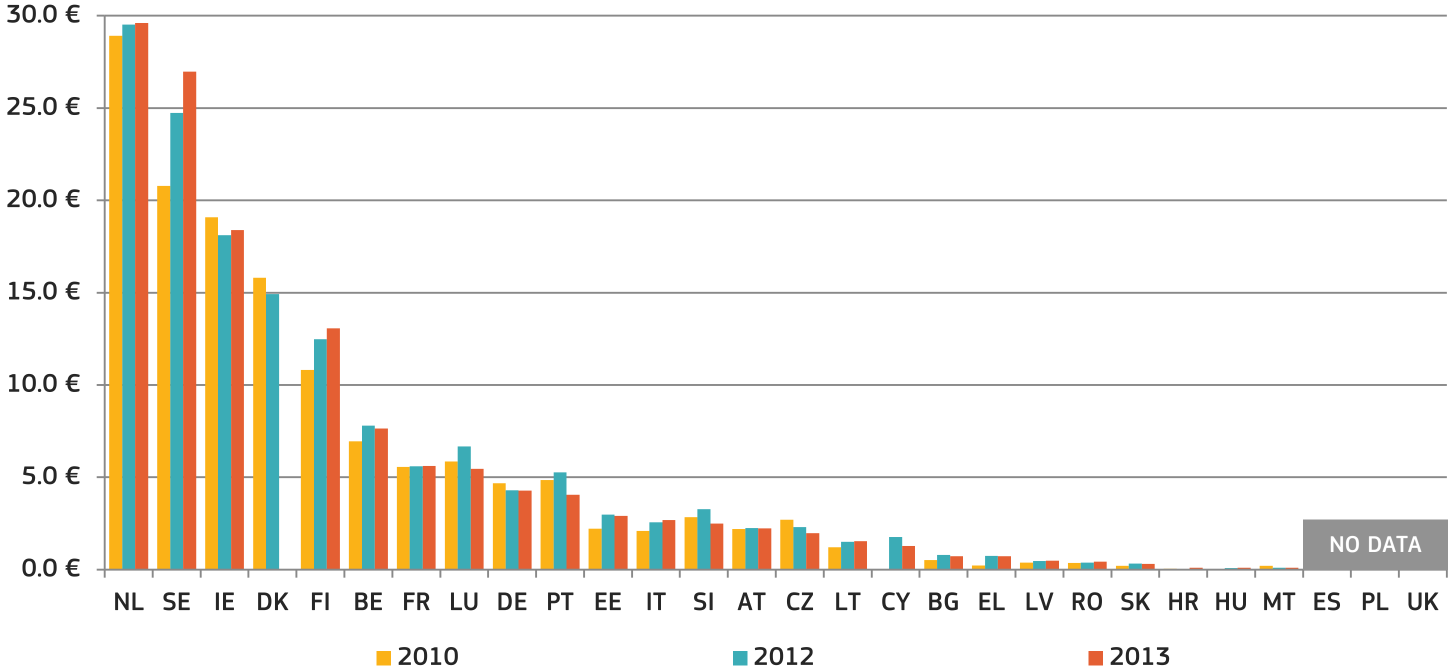
50 Available at: http://ec.europa.eu/justice/criminal/files/final_report_2014_en.pdf

Article 47 of the Charter of Fundamental rights of the European Union requires that legal aid is made available to those who lack sufficient resources, in so far as this aid is necessary to ensure effective access to justice. The 2015 Scoreboard includes information on legal aid expenditure per capita in Member States in 2010, 2012 and 2013. The chart below shows that significant differences in these amounts can be found between groups of countries. There has been relative stability on the amounts spent on legal aid per inhabitant over the years covered in most Member States. The table does not provide information on how the global amounts allocated to legal aid are distributed amongst beneficiaries or cases.

Figure 39

Annual public budget allocated to legal aid per inhabitant in 2010, 2012 and 2013*

source: *CEPEJ study*



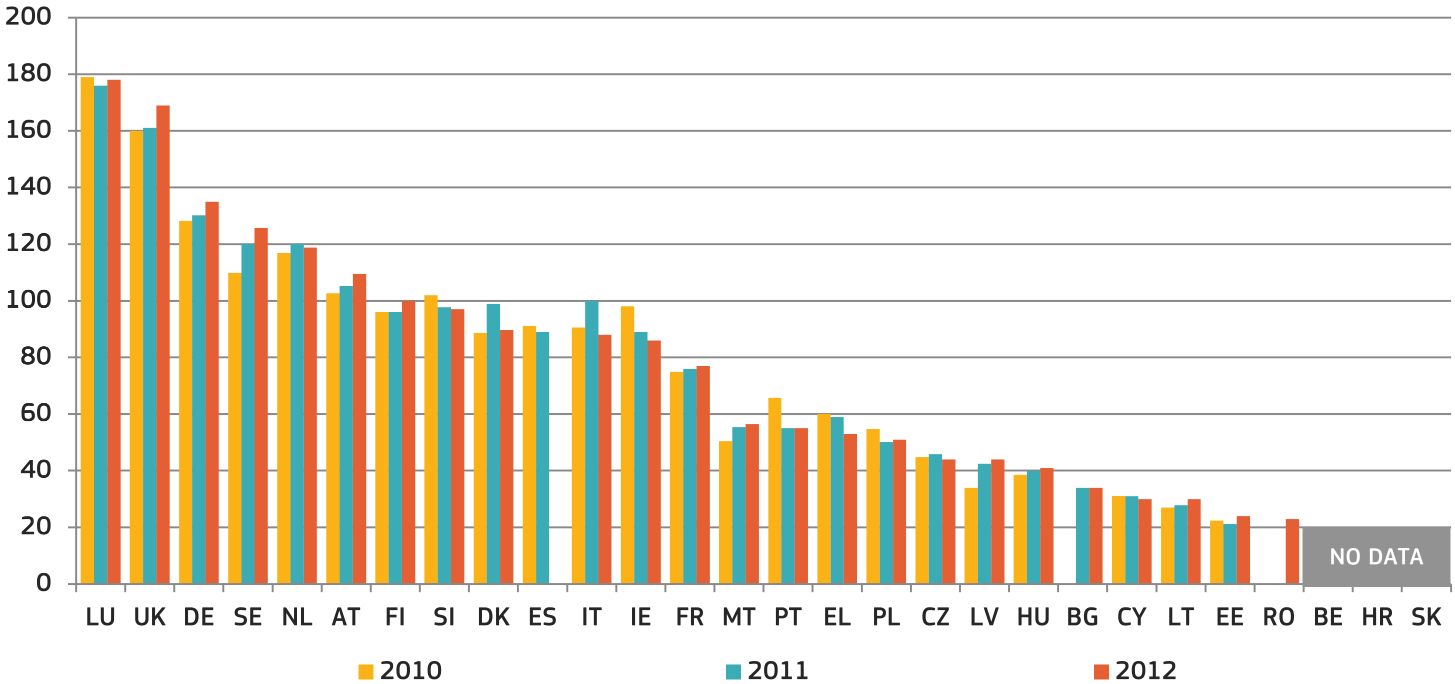
* Figure 39 indicates the amount of annual public budget allocated to legal aid in 2010, 2012 and 2013 per inhabitant. The budget for DE is incomplete as it does not cover all Länder. In certain Member States legal professionals may also cover part of the legal aid, which is not reflected in the figures above.

Figure 40

General Government total expenditure on 'law courts'* (in EUR per inhabitant)

source: *Eurostat*

This additional indicator on resources draws upon Eurostat's data on government expenditure. It presents the budget actually spent, which complements the existing indicator on allocated budget for courts. The comparison is made between 2010, 2011 and 2012.

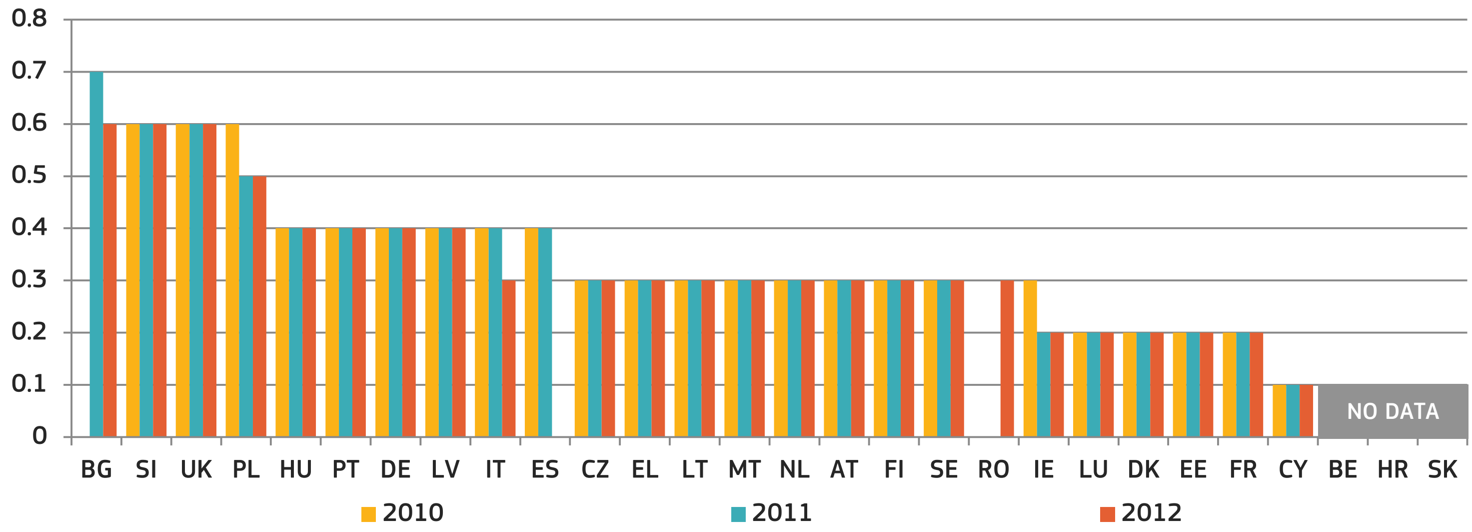


* Whereas Figure 38 indicates the annual approved budget allocated to the functioning of all courts, whatever the source and level of this budget (national or regional), Figure 40 presents general government total (actual) expenditure on courts (National Accounts Data, Classification of the Functions of Government, group 03.3). Figure 40 also includes probation systems and legal aid.

Figure 41

General government expenditure on law courts as a percentage of GDP

source: *Eurostat*

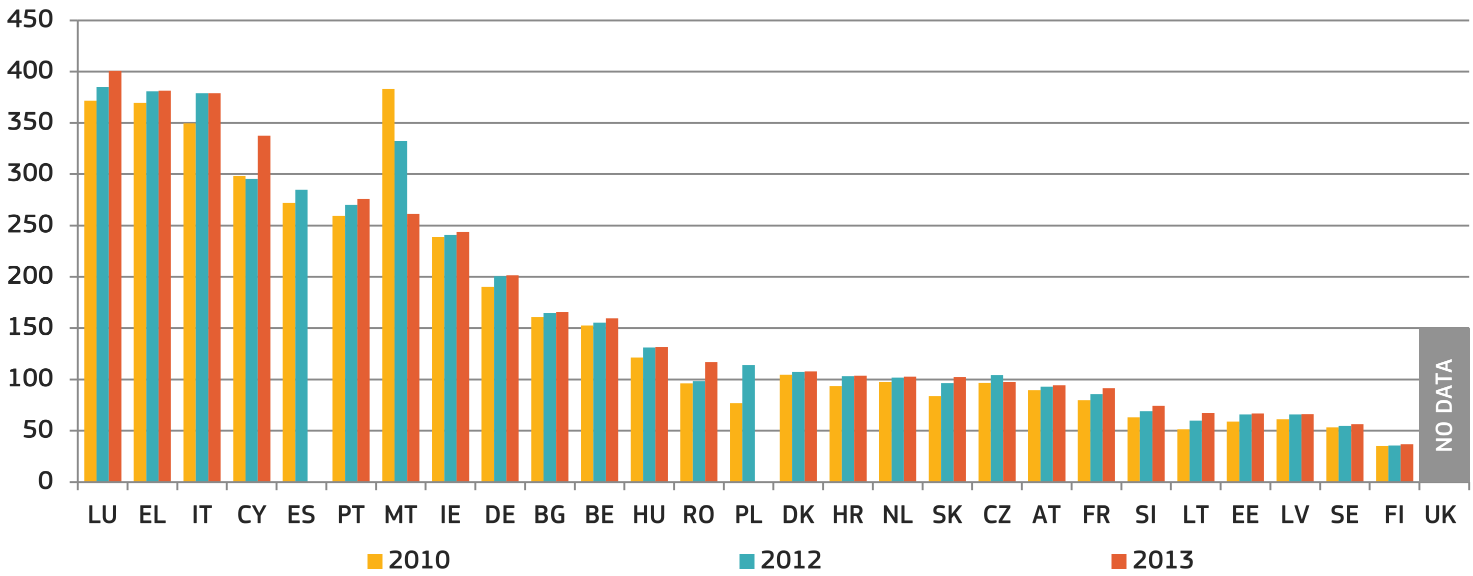


The tables below provide information on human resources in judicial systems for Member States. As regards the number of judges per 100.000 inhabitants, relative stability can be found in most Member States between 2010 and 2013, with a small increase on average. Similarly, an increase in the ratio of lawyers per 100.000 inhabitants can be observed in most Member States. These ratios are very different across countries.

Figure 42

Number of lawyers* (per 100.000 inhabitants)

source: *CEPEJ study*

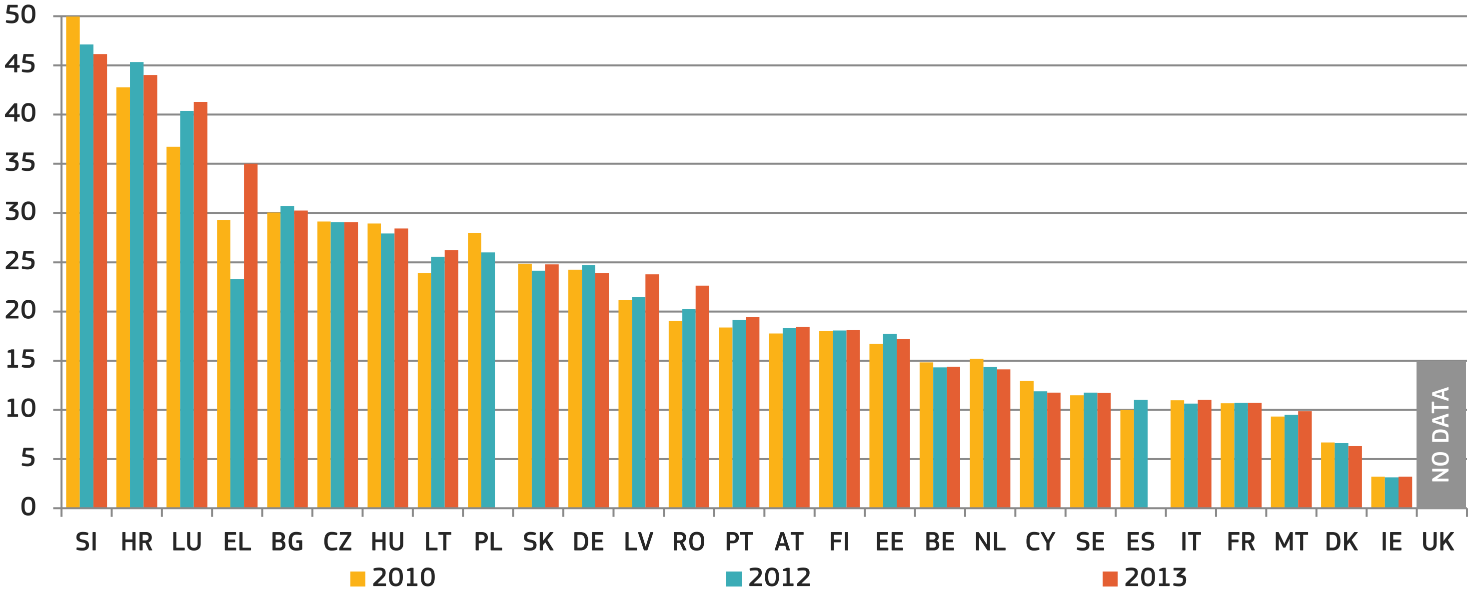


* A lawyer is a person qualified and authorised according to national law to plead and act on behalf of his or her clients, to engage in the practice of law, to appear before the courts or advise and represent his or her clients in legal matters (Recommendation Rec (2000)21 of the Committee of Ministers of the Council of Europe on the freedom of exercise of the profession of lawyer).

Figure 43

Number of judges* (per 100.000 inhabitants)

source: *CEPEJ study*



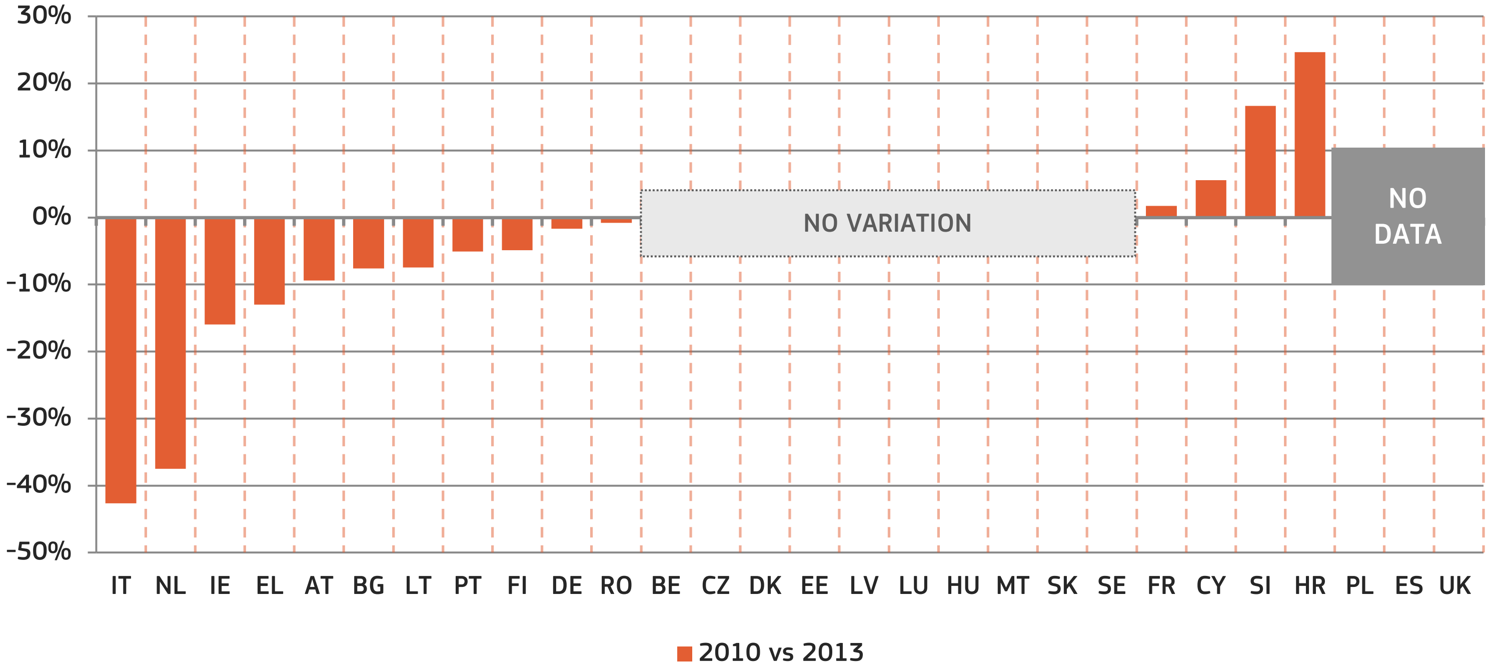
* The category consists of judges working full-time, following the CEPEJ methodology. It does not include Rechtspfleger/court clerks who exist in some Member States. The total number of professional judges for EL includes different categories over the years shown above, which partly explains their variation.

Figure 44

Variation of the absolute number of all courts (geographic locations) between 2010-2013*

source: *CEPEJ study*

Figure 1 on 'Mapping of justice reforms in the EU in 2014' shows that an important number of Member States have initiated, adopted or implemented a reform of the judicial map and or of the courts' structure. The figure below complements this information as it provides data on the variation of the number of all courts as *geographical locations*[51] for the period 2010-2013. The variation in the number of courts as *legal entities* is not represented in this figure.



* IT implemented the reorganisation of the geographical distribution of courts in September 2013. This included the closing (by merger with other offices) of 30 Tribunals, 30 Prosecution offices, 220 branches of Tribunals and 346 Judges of the peace. LT reduced the number of district courts from 54 to 49, in January 2013. NL reorganised the geographical distribution of courts in 2013 (reduction from 64 to 40). This reorganisation resulted in the closure of sub-district courts. For HR and SI the increase is explained by a different interpretation given to CEPEJ's question in 2013 as compared to 2010.

51 CEPEJ defines *all courts* as *geographical locations*; these are premises or court buildings where judicial hearings take place. If there are several court buildings in the same city, they must be taken into account. The figures include the locations for first instance courts of general jurisdiction and first instance specialised courts, as well as the locations for High Courts and/or Supreme Courts.

3.2.7 Share of female professional judges

Diversity among employees adds complementary knowledge, skills and experience and reflects the reality on the ground. This is particularly true for courts. A more gender diverse body of judges can contribute to a better quality of justice system.

The figures below on female judges at first and second instance and in Supreme Courts provide a diverse picture. The data confirm an inverse relationship: the higher the court, the lower the share of female judges. Whilst for most Member States the current share of female judges at first and second instance is relatively high and within the gender balance zone of a share of 40-60%;[52] the situation is very different for female judges in Supreme Courts. Having said that, the trends over the past three years for first and second instance courts, and over the past seven years for Supreme Courts are largely positive. They suggest that most Member States are working towards reaching the gender balance zone.

Figure 45

Share of female professional judges at first and second instance and Supreme Courts

source: *European Commission and CEPEJ study*

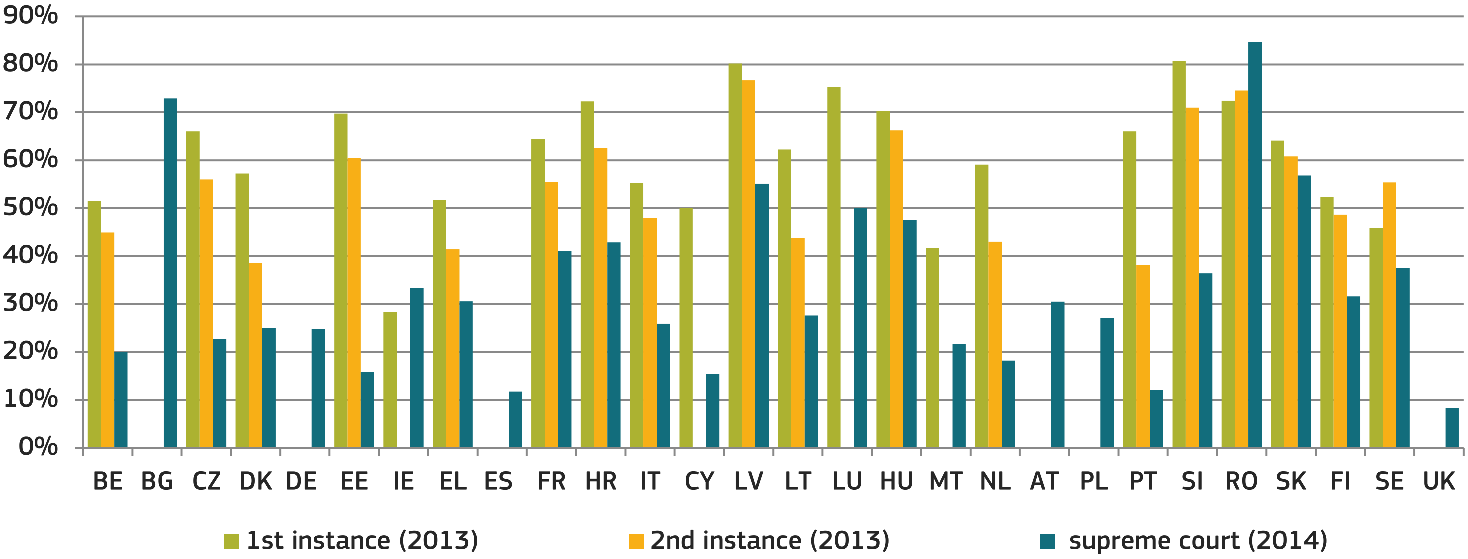
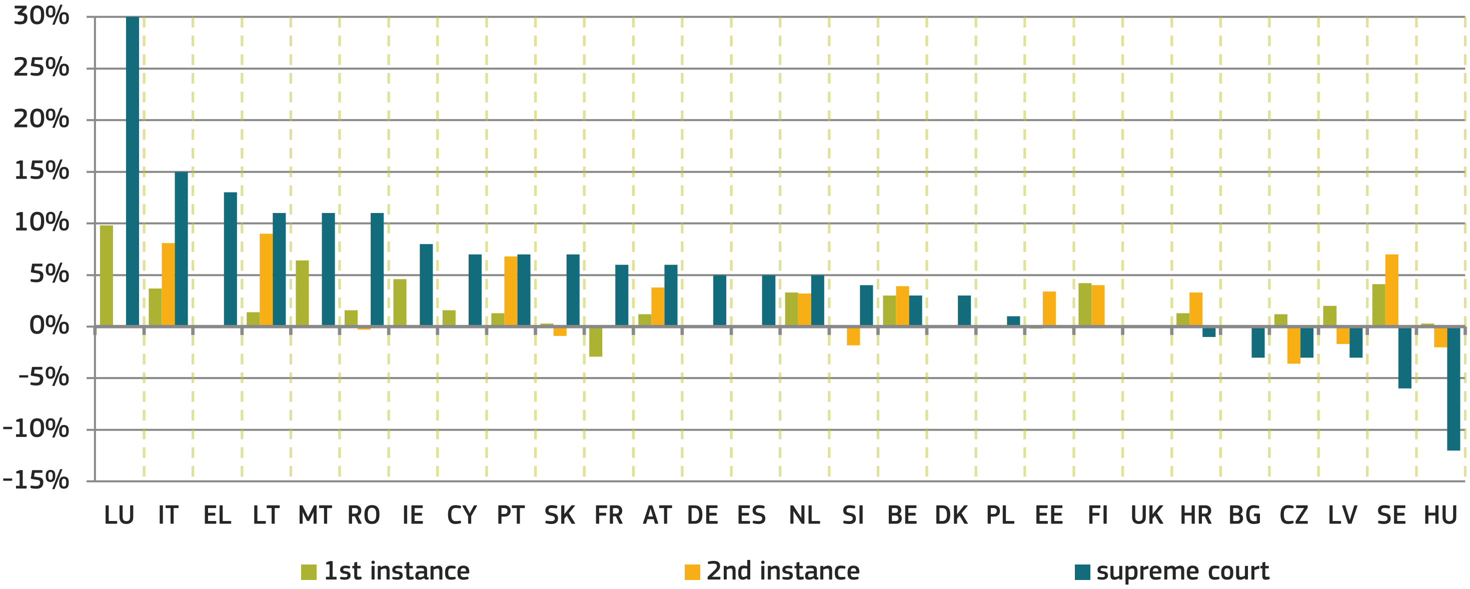


Figure 46

Variation in share of female profession judges at both first and second instance from 2010 to 2013 as well as Supreme Courts from 2007 to 2014*

source: *European Commission and CEPEJ study*



* For first instance courts in SI and the Supreme Courts of EE, FI and the UK, the data showed no variation during the reference period.

52 Commission Staff Working Document, Report on Progress on equality between women and men in 2013 Accompanying the document Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2013 Report on the Application of the EU Charter of Fundamental Rights (COM(2014) 224 final).

Conclusions on the quality of justice systems

- The 2015 EU Justice Scoreboard shows that there **is scope to pursue and enhance efforts to support the quality of judicial systems.**
- **Efforts to enhance ICT tools for the judicial system have continued. However, the indicators reveal gaps in a number of Member States,** both for ICT tools available for the administration and management of courts and for electronic communications between courts and parties. Electronic processing of claims and of undisputed debt recovery is not possible in a significant number of Member States. More in-depth comparative data are required to better identify the challenges in the modernisation of ICT tools for judicial systems and best practices. Such an overview would support Member States who have started or are in the process of modernising ICT tools. The Commission will support such efforts, in cooperation with the group of contact persons on national justice systems.
- **A large majority of Member States are using evaluation tools to monitor court activities.** Annual activity reports on the functioning of the justice system are published widely. However, not all data collection systems provide sufficient information on the functioning of the system or EU-wide comparable data, including those requested by CEPEJ.
- **Few Member States follow a comprehensive approach for the evaluation of court activities.** A majority of Member States use surveys to collect information on the functioning of their justice systems. However, only a few Member States surveyed all relevant stakeholders (judges, court staff, public prosecutors, lawyers, the parties and other court users).
- **Access to justice requires that legal aid is made available to those who lack sufficient resources** in so far as the aid is necessary to ensure effective access to justice. There is a wide discrepancy between Member States regarding the budget per inhabitant allocated to legal aid.
- **There is significant scope for improving online small claims procedures.** The benchmarking exercise carried out in this field reveals scope for improvement of both processing aspects and the quality and accessibility of information. To develop online processing of small claims further steps are needed to integrate key enablers, such as e-ID (or another identifier) and authenticated documents, at different steps of the small claims procedure.
- **In the majority of the Member States more than 20% of judges participated in continuous training on EU law or on the law of other Member States.** This exceeds the 5% annual target of legal practitioners who need to be trained in order to reach, by 2020, the objective of 50%. In 2013, all Member States that provided data on training for judges reached the annual target.
- **All Member States are making efforts to make information available to citizens about their judicial systems**, including on individual courts, and on how to proceed when going to court. However, there is a lack of information on the cost of proceedings and on legal aid in a number of Member States. A vast majority of Member States organise training on communication skills for judges.
- **The majority of Member States enable free online access to civil and commercial judgments for the general public,** with trends indicating the frequent updating of data (at least once a month). Access is provided free of charge in nearly all Member States. Online availability of judgments on administrative cases is slightly less widespread. Online access to decisions handed down by first instance courts is also less widespread for all categories of cases (civil, commercial, administrative). Anonymisation of online published court judgments and tagging of judgments with keywords are common practices. About a third of all Member States are using or are planning to use the European Case Law Identification system. Very few Member States translate rulings of the highest court into a foreign language.
- Data on the **use of ADR methods** show that in almost half of Member States, ADR is used more often than courts for solving consumer disputes. In more than one third of Member States consumers turned more often to ADR than to non-governmental consumer organisations or to public authorities.
- **Virtually all Member States which provided data reported public sector promotional activities and incentives to increase the use of ADR methods.** For both promotion and incentives a large group of Member States reported the same number of tools put in place in civil and commercial disputes, labour and consumer disputes.
- Over the past three years there has been **on average a small increase in the resources allocated to the judiciary in Europe.** Effective justice requires an adequate level of resources. It is for each Member State to ascertain, further to a global and in-depth assessment of the situation of its system, the exact level of resources that it requires. For this purpose, the use of tools allowing Member States to monitor and evaluate courts is essential. The information provided by these tools should be taken into account when determining the allocation of resources.
- **While an adequate level of resources is always indispensable, a variety of factors is determinant for the improvement of effectiveness.** For example, a better functioning of courts may be linked to measures aimed at improvement the management of cases, to reforms in the procedure or to the integration of well-performing information and communication technologies into the system.
- **The higher the court instance, the lower the share of female judges.** Even if the share of female professional judges for both first and second instance as well as Supreme Courts shows a positive trend for most Member States for Supreme Courts most Member States still have some way to go to reach the gender balance of 40-60%.

3.3 Independence

Judicial independence is a requirement stemming from the right to an effective remedy enshrined in the Charter of Fundamental Rights of the EU (Article 47). It is also important for an attractive investment environment, as it assures the fairness, predictability, certainty and stability of the legal system in which businesses operate.

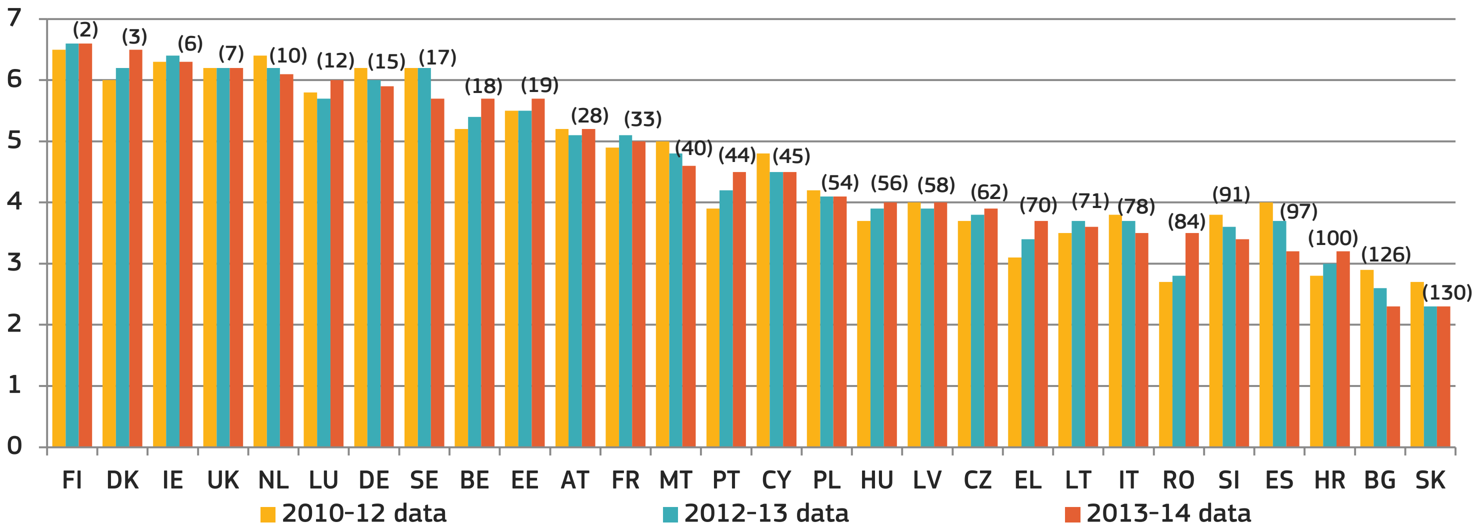
In addition to information about perceived judicial independence, which can influence investment decisions, the 2014 Scoreboard presented a first general overview of how justice systems are organised to protect judicial independence in certain types of situations where their independence can be at risk.

In continued cooperation with the European judicial networks, particularly the European Network of Councils for the Judiciary (ENCJ), the Commission expanded the comparative overview on structural independence. The figures presented in the 2015 Scoreboard are based on the replies to an updated questionnaire elaborated by the Commission in close association with the ENCJ and on the ENCJ Guide.[53]

3.3.1 Perceived judicial independence

Figure 47

Perceived judicial independence* (perception – higher value means better perception)
source: *World Economic Forum*[54]



* The number in brackets displays the latest rank among 144 countries in the world.

53 For those Member States where Councils for the Judiciary do not exist (CZ, DE, EE, EL, CY, LU, AT and FI), the replies to the updated questionnaire have been obtained in cooperation with the Network of the Presidents of the Supreme Courts of the European Union.
See Guide to the European Network of Councils for the Judiciary, June 2014, available at: http://www.encj.eu/index.php?option=com_content&view=article&id=9&Itemid=11

54 The WEF indicator is based on survey answers to the question: «To what extent is the judiciary in your country independent from the influences of members of government, citizens, or firms?» The survey was replied to by a representative sample of firms in all countries representing the main sectors of the economy (agriculture, manufacturing industry, non- manufacturing industry, and services). The administration of the survey took different formats, including face-to-face interviews with business executives, telephone interviews and mailings, with an online survey as an alternative. Available at: http://www.weforum.org/reports/global-competitiveness-report-2013-2014

3.3.2 Structural independence

As several Member States are envisaging reforms concerning their Councils for the Judiciary or are reflecting on establishing independent bodies whose primary task is the protection of judicial independence, the figures present a comparison of composition (according to the nomination process) and of the main powers of existing Councils for the Judiciary in the EU (Figures 48 and 49). These comparative overviews could assist Member States in adopting reforms that will ensure the effectiveness of Councils for the Judiciary as independent national institutions with the final responsibility for the support of the judiciary in the independent delivery of justice, while taking into account the traditions and specificities of justice systems.

Determining the financial resources for the judiciary is a sensitive issue that can affect judicial independence. New Figure 50 presents information on which branch of government adopts criteria for determining the financial resources for the judiciary and what these criteria are.

Ensuring structural independence requires legal safeguards that protect it in situations where the independence of justice systems can be at risk. Five indicators are used to show safeguards in such situations: the safeguards regarding the transfer of judges without their consent (Figure 51), the dismissal of judges (Figure 52), the allocation of incoming cases within a court (Figure 53), the withdrawal and recusal of judges (Figure 54) and threat to the independence of a judge (Figure 55). For such situations, the 2010 Council of Europe Recommendation on judges: independence, efficiency and responsibilities ('the Recommendation') presents standards to ensure that the independence of the judiciary is respected.[55]

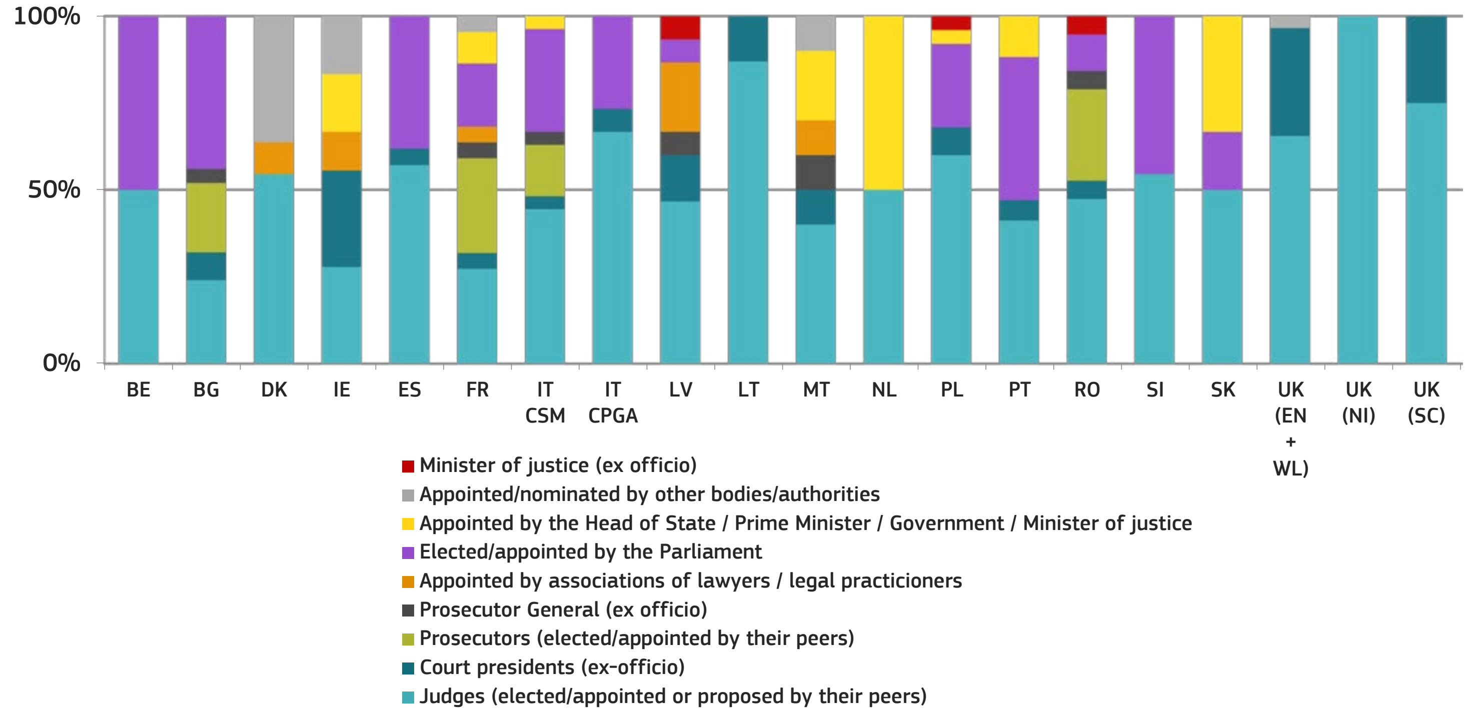
Figures have been updated in cases where the legal framework or practice in Member States has changed since the publication of the 2014 Scoreboard. In some figures, additional safeguards have been presented, such as the body that decides on the appeal against dismissal of a judge, and a new, quantitative layer has been added, showing the number of times a particular situation occurred in 2013, for example the number of transfers of judges without their consent and the number of dismissals of judges. The figures present an overview of the legal safeguards in certain types of situations without making an assessment or presenting quantitative data on their effectiveness.[56]

This overview aims to assist the European judicial networks and relevant authorities to examine the effectiveness of these safeguards. In 2014, the European Network of Councils for the Judiciary started working on such an assessment.

Figure 48

Composition of the Councils for the Judiciary according to the nomination process* [57]

The figure presents the composition of Councils for the Judiciary, members of the ENCJ, according to the nomination process, depending on whether the members are judges/prosecutors selected by their peers, members nominated by the executive or legislative branch, or members nominated by other bodies and authorities. Not less than half the members of Councils for the Judiciary should be judges chosen by their peers from all levels of the judiciary and with respect for pluralism inside the judiciary.[58]



* BE: judicial members are either judges or prosecutors; BG: category prosecutors includes one elected investigative magistrate; DK: all members are formally appointed by the Minister of justice; category Appointed/nominated by other bodies/authorities includes two court representatives (nominated by the union for administrative staff and by the police union); FR: the Council has two formations – one with jurisdiction over sitting judges and one with jurisdiction over prosecutors; the Council includes one member of the Conseil d'Etat elected by the general assembly of the Conseil d'Etat; IT-CSM: Consiglio Superiore della Magistratura (covering civil and criminal judiciary); category judges includes two magistrates (judges and/or prosecutors) elected from the Supreme Court; IT-CPGA: Consiglio di presidenza della giustizia amministrativa (covering administrative judiciary); ES: members of the Council coming from the judiciary are appointed by the Parliament - the Council communicates to the Parliament the list of candidates who have received the support of a judges' association or of twenty five judges; MT: Leader of Opposition appoints one lay member; NL: members formally appointed by Royal Decree on the proposal of the Minister of Security and Justice; RO: elected magistrates validated by the Senate; SI: members elected by the National Assembly on the proposal of the President of the Republic.

55 Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities.

56 This overview contains information on how the justice systems are organised and does not intend to reflect the complexity and details of these systems. The figures present the Member States according to the alphabetical order of their geographical names in the original language. The height of the columns does not necessarily reflect the effectiveness of the safeguards.

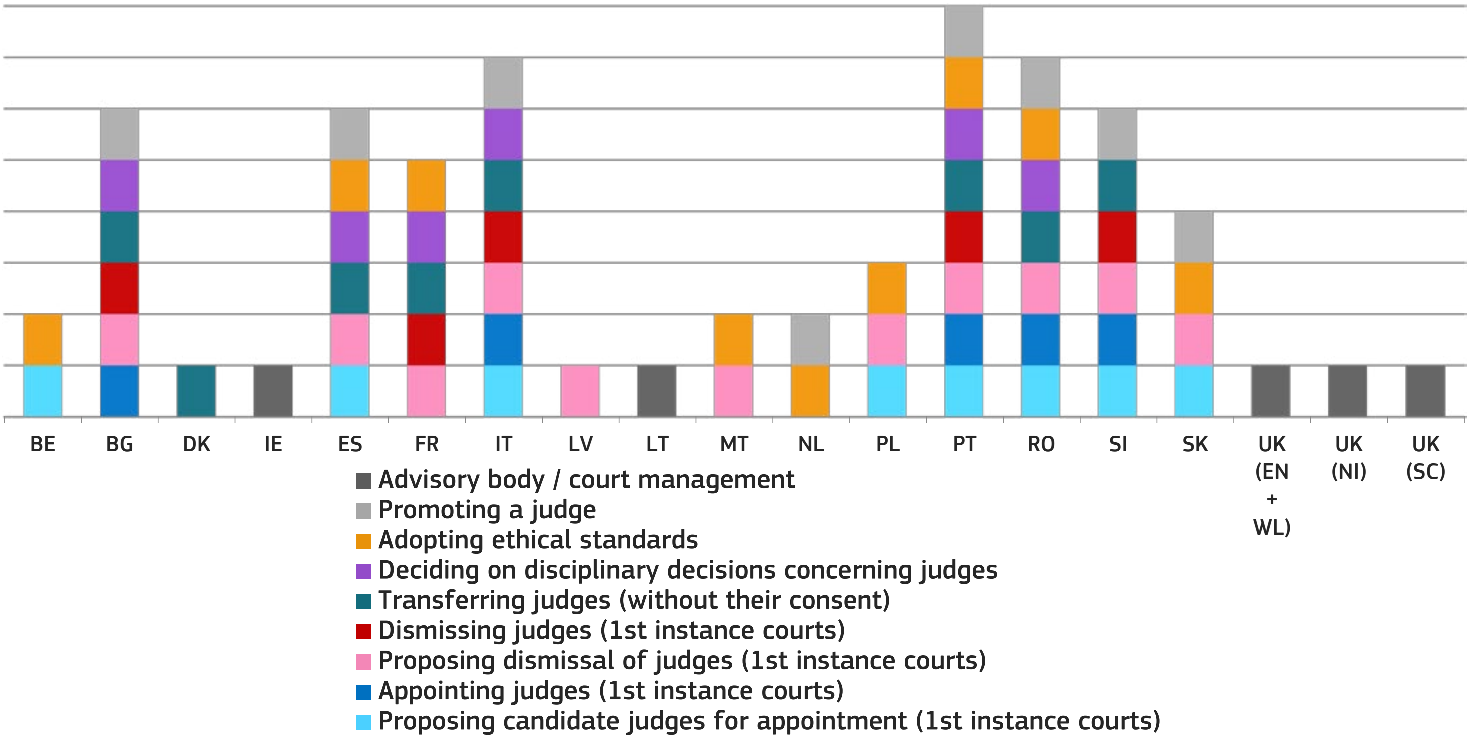
57 Based on the ENCJ Guide (available at: http://www.encj.eu/index.php?option=com_content&view=article&id=9&Itemid=11).

58 Councils for the judiciary are independent bodies, established by law or under the constitution, that seek to safeguard the independence of the judiciary and of individual judges and thereby to promote the efficient functioning of the judicial system. See Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities, paras. 26-27.

Figure 49

Powers of the Councils for the Judiciary* [59]

The figure presents certain main powers of the Councils for the Judiciary, members of the ENCJ, such as those regarding the appointment and dismissal of judges, the transfer of judges without their consent, disciplinary proceedings concerning judges, adoption of ethical standards and promotion of judges.

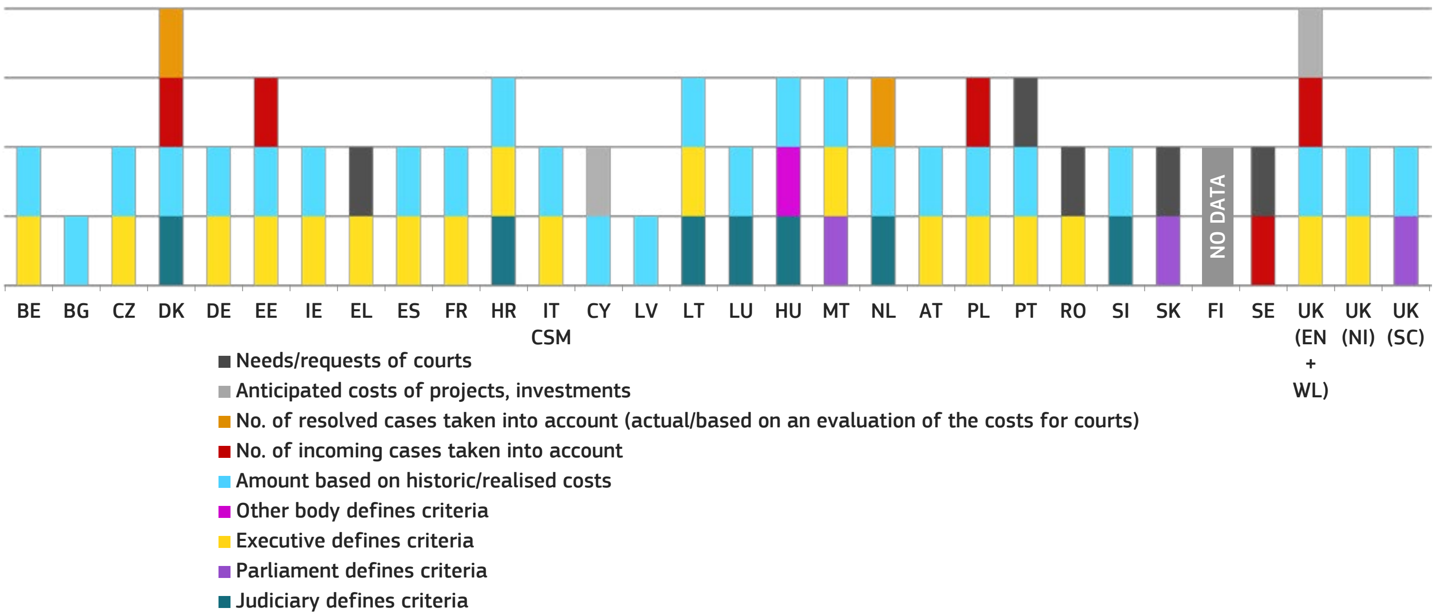


* The chart presents only certain powers and the Councils for the Judiciary have additional competences. IT: both councils for the judiciary (CSM: civil/criminal judiciary, and CPGA: administrative judiciary). In some countries, the executive has an obligation, either by law or practice, to follow a proposal by the Council for the Judiciary to appoint or dismiss a judge (e.g. ES).

Figure 50

Criteria for determining financial resources for the judiciary* [60]

The figure shows which branch of government (judiciary, legislature or executive) defines the criteria for determining financial resources for the judiciary. It also presents, per country, what these criteria are: either amount based on historic/realised costs, which is the most common criterion, or, less frequently, the number of incoming/resolved cases, the anticipated costs or needs/requests by courts.



* DK: number of incoming and resolved cases at 1st instance court are taken into account; DE: only for the Supreme Court's budget - for the 1st and 2nd instance, judiciary systems vary between the federal states; EE: only for 1st and 2nd instance courts; HU: law states that the salaries of judges shall be determined in the act on the central budget in such a way that the amount shall not be lower than it had been in the previous year; NL: number of resolved cases based on an evaluation of the costs for courts is taken into account

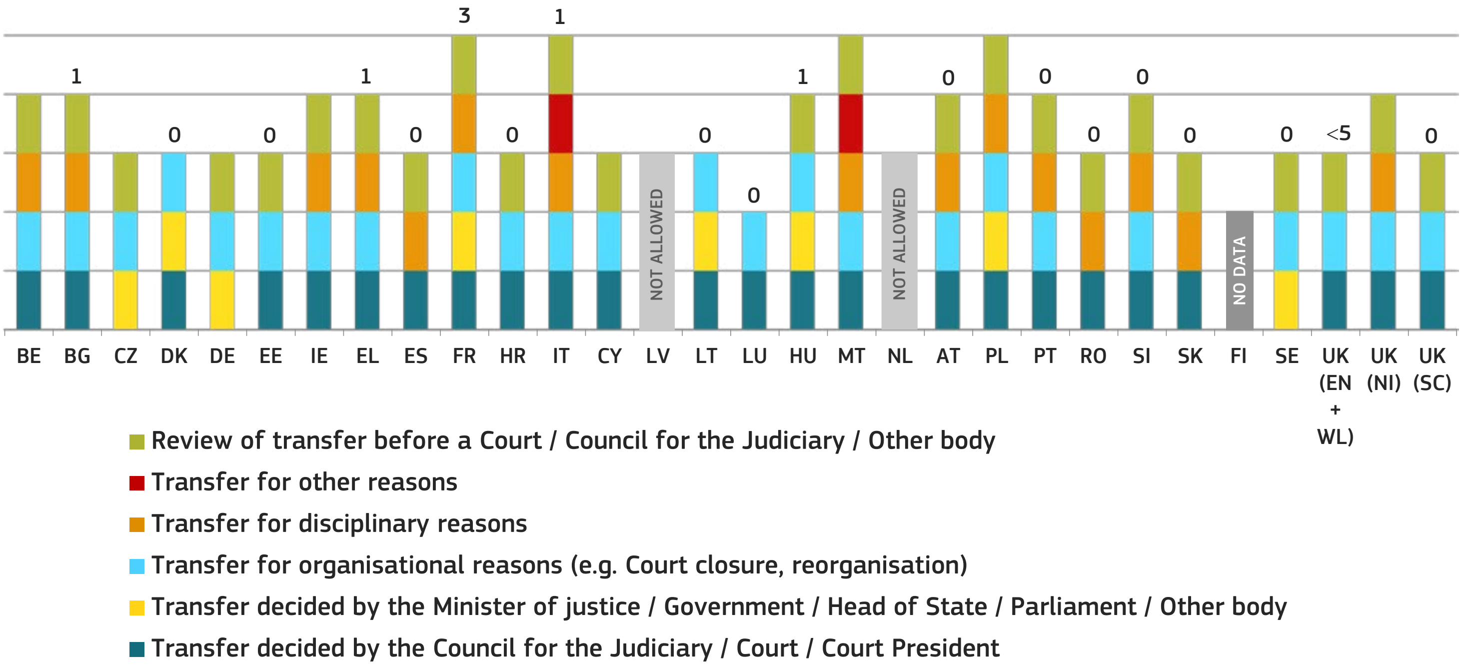
59 Based on the ENCJ Guide (available at: http://www.encj.eu/index.php?option=com_content&view=article&id=9&Itemid=11).

60 Data collected through an updated questionnaire elaborated by the Commission in close association with the ENCJ. For those Member States where Councils for the Judiciary do not exist, the replies to the updated questionnaire have been obtained in cooperation with the Network of the Presidents of the Supreme Courts of the European Union.

Figure 51

The safeguards regarding the transfer of judges without their consent (irremovability of judges)[61]

The figure examines the scenario of the transfer of judges without their consent and shows whether such a transfer is allowed and, if so, which authorities decide on such matters, the reasons (e.g. organisational, disciplinary) for which such a transfer is allowed and whether an appeal against the decision is possible.[62] For the first time, the figure also shows the number of judges that were transferred without their consent in 2013.



* The number above the column indicates the number of judges transferred without consent in 2013 (no number indicates no data available). BE: transfer for organisational reasons only within a court; CZ: a judge can be transferred only to the court of the same instance, the court one instance higher or lower (all within the same judicial district); DE: transfer for maximum of three months and only in cases of representation; EL: one judge transferred from civil/criminal judiciary; LT: temporary transfer, when there is an urgent need to ensure the proper functioning of the court; FR: Minister of justice can transfer a judge for organisational reasons in the rare event such as the closure of a court or for legal reasons such as fixed-term appointments (for a court's president or for specialized functions); PL: following court reorganisation, approximately five hundred judges from closed courts were transferred to other courts; RO: only temporary transfer, up to a year, for disciplinary sanctions; UK (EN+WL): fewer than five judges transferred in 2013, if any at all.

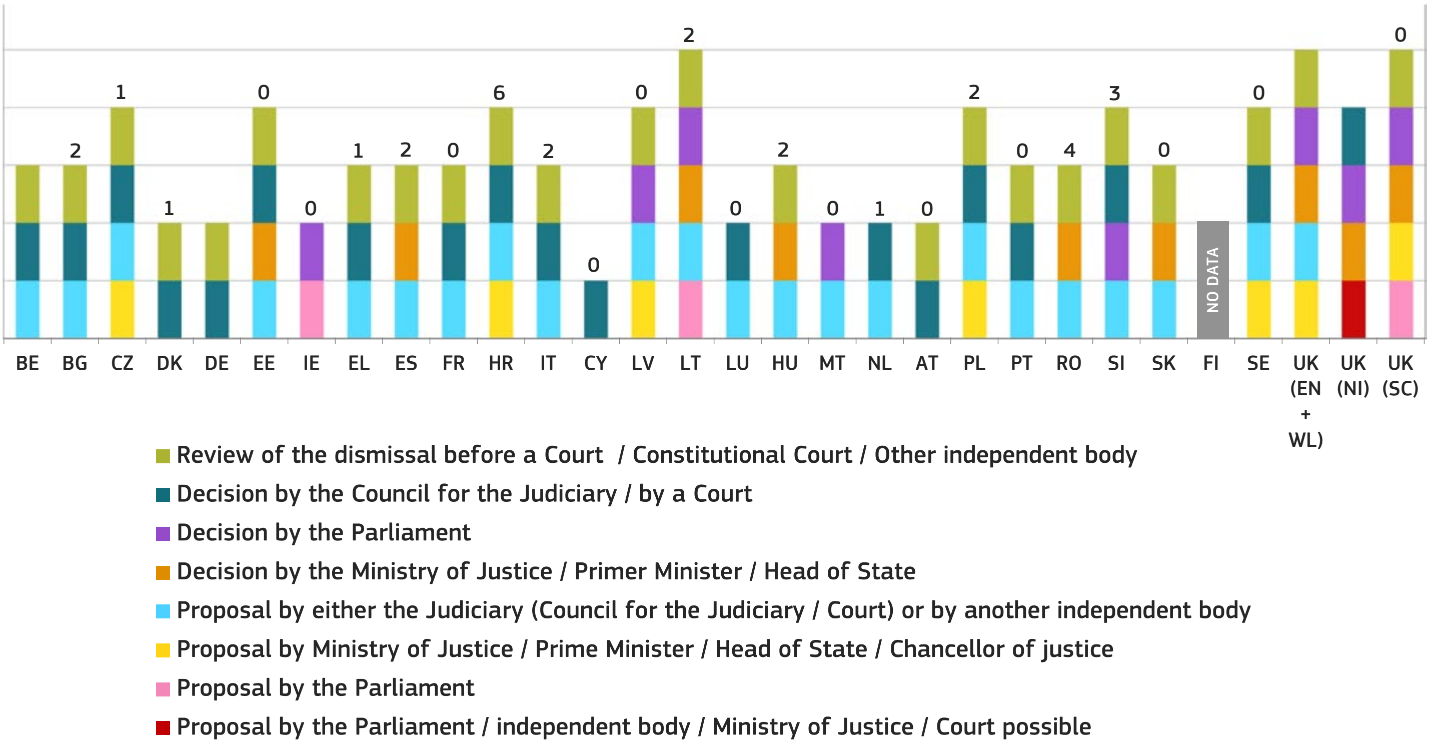
61 Data collected through an updated questionnaire elaborated by the Commission in close association with the ENCJ. For those Member States where Councils for the Judiciary do not exist, the replies to the updated questionnaire have been obtained in cooperation with the Network of the Presidents of the Supreme Courts of the European Union.

62 § 52 of the Recommendation contains guarantees on the irremovability of judges, in particular that a judge should not be moved to another judicial office without consenting to it, except in cases of disciplinary sanctions or reform of the organisation of the judicial system.

Figure 52

The dismissal of first and second instance judges* [63]

This figure presents the authorities that have the power to propose and decide on the dismissal of judges of first and second instance in the different Member States.[64] The upper part of the column indicates who takes the final decision[65] and the lower part shows – where relevant –who proposes dismissal or who must be consulted before a decision is taken. For the first time, the figure also shows the number of judges that were dismissed in 2013 and whether a review of the dismissal before a court, constitutional court or other independent body is possible.



* The number above the column indicates the number of judges dismissed in 2013 (no number indicates no data available). EL: One judge dismissed from the civil/criminal judiciary; UK (EN+WL): no full-time judges were dismissed. Only part-time (fee-paid) judges were dismissed, namely one tribunal judge, four Recorders (usually sitting 15 days or so a year) and eight (lay) magistrates; In some countries, the executive has an obligation, either by law or practice, to follow the proposal of the Council for the Judiciary to dismiss a judge (e.g. ES).

63 Data collected through an updated questionnaire elaborated by the Commission in close association with the ENCJ. For those Member States where Councils for the Judiciary do not exist, the replies to the updated questionnaire have been obtained in cooperation with the Network of the Presidents of the Supreme Courts of the European Union.

64 § 46 and 47 of the Recommendation require that national systems provide for safeguards regarding the dismissal of judges.

65 It can be one or two different bodies depending on the reason for dismissal or the type of judge (e.g. president, etc.).

Figure 53

The allocation of cases within a court[66]

The figure presents at what level the criteria for distributing cases within a court are defined (e.g. law, well-established practice), how cases are allocated (e.g. by court president, by court staff, random allocation, pre-defined order) and which authority supervises the allocation.[67]

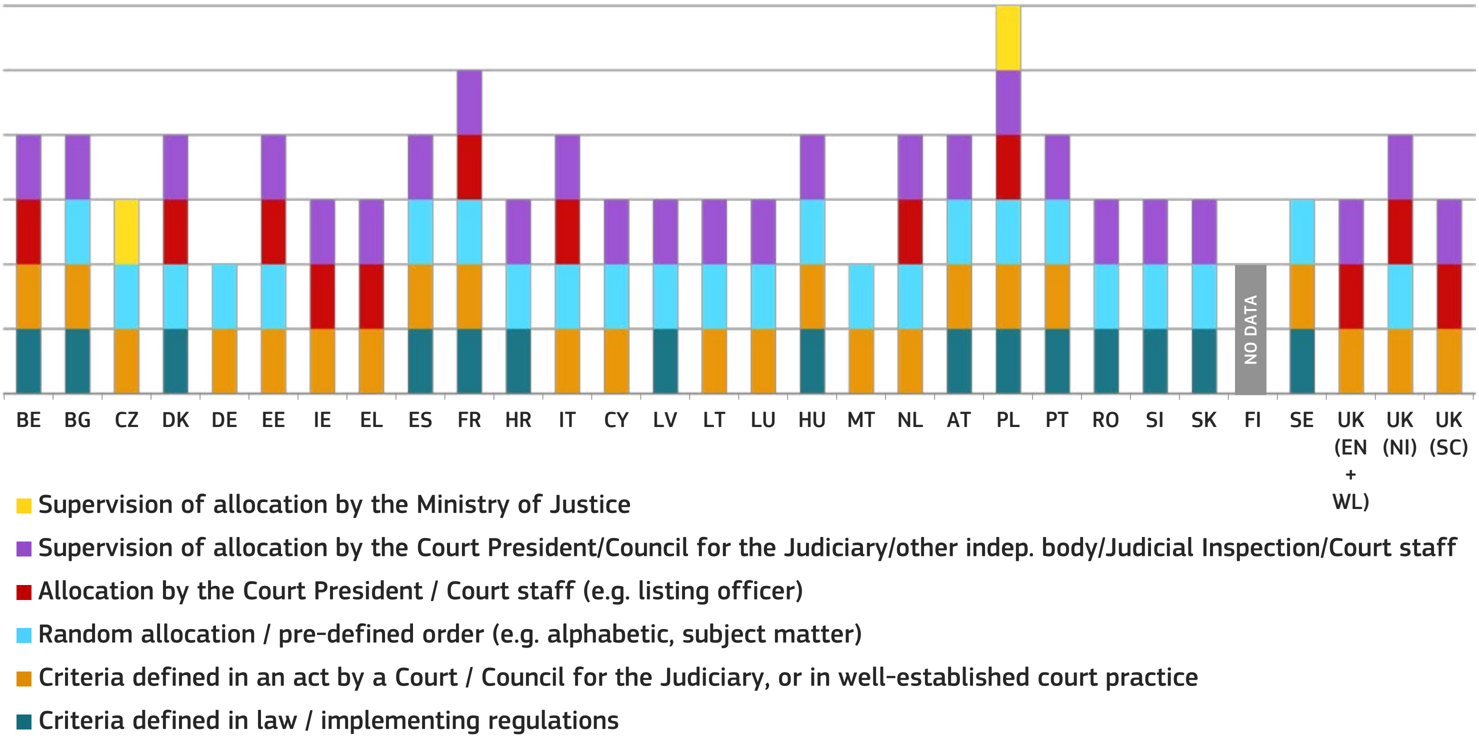
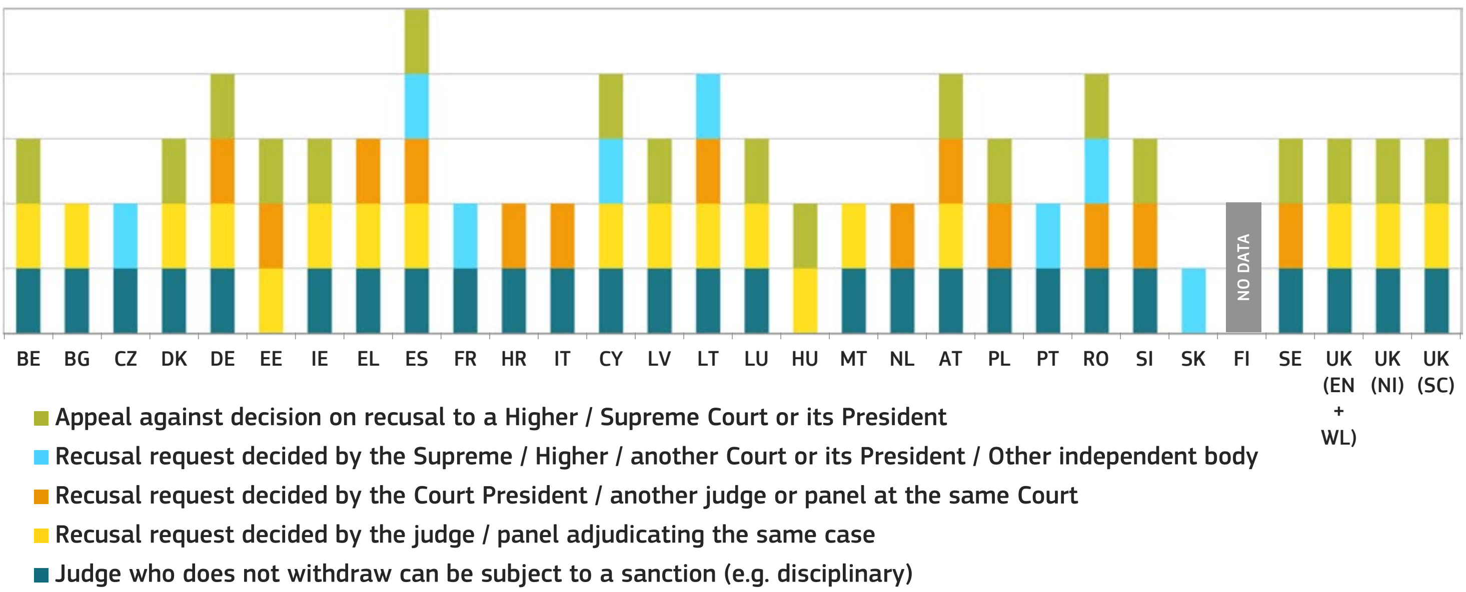


Figure 54

The withdrawal and recusal of a judge[68]

The figure presents whether or not judges can be subject to sanctions if they disrespect the obligation to withdraw from adjudicating a case in which their impartiality is in question, compromised, or where there is a reasonable perception of bias. The figure also presents which authority[69] decides on a recusal request by a party aimed at challenging a judge.[70]

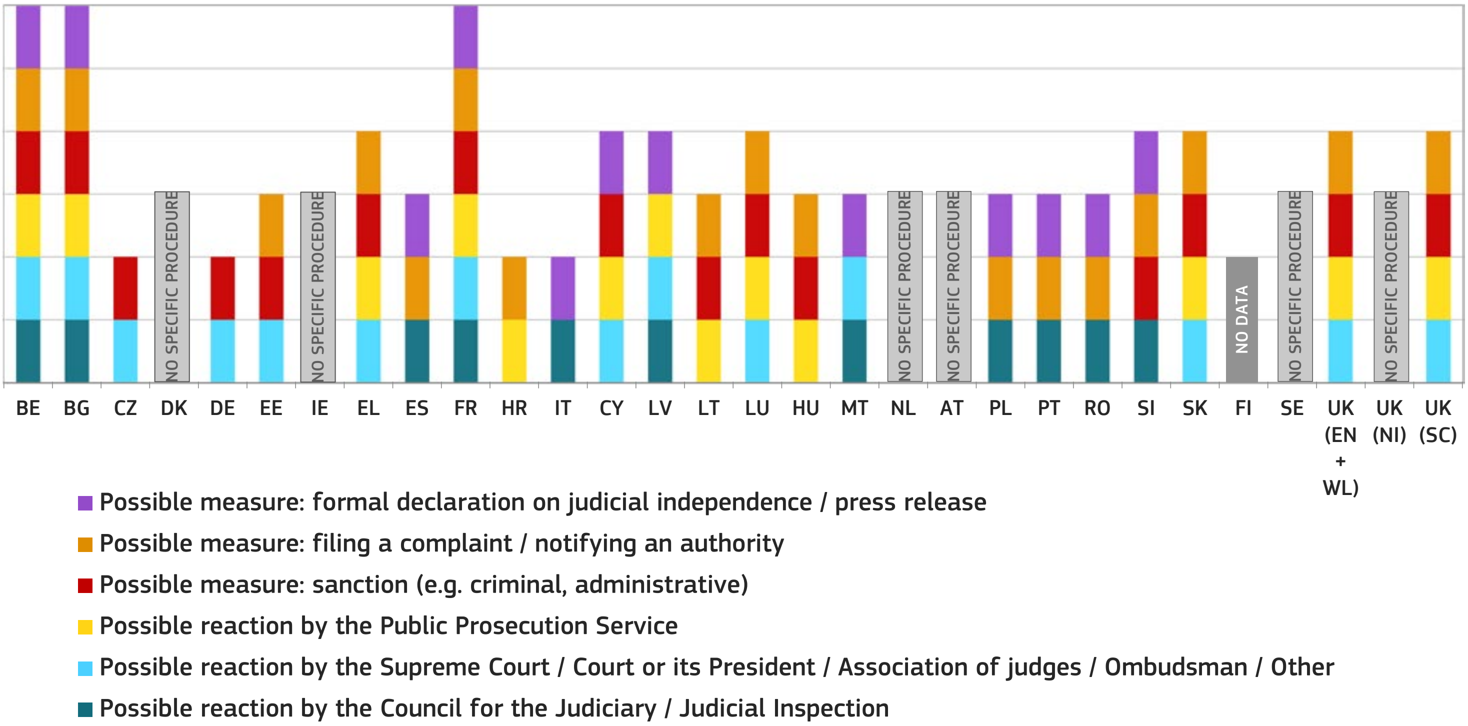


66 Data collected through an updated questionnaire elaborated by the Commission in close association with the ENCJ. For those Member States where Councils for the Judiciary do not exist, the replies to the updated questionnaire have been obtained in cooperation with the Network of the Presidents of the Supreme Courts of the European Union.
67 § 24 of the Recommendation requires that the systems for the distribution of cases within a court follow objective pre-established criteria in order to safeguard the right to an independent and impartial judge.
68 Data collected through an updated questionnaire elaborated by the Commission in close association with the ENCJ. For those Member States where Councils for the Judiciary do not exist, the replies to the updated questionnaire have been obtained in cooperation with the Network of the Presidents of the Supreme Courts of the European Union.
69 Sometimes more than one authority can take this decision, depending on the level of the court where the recused judge sits.
70 § 59, 60 and 61 of the Recommendation provide that judges should act independently and impartially in all cases and should withdraw from a case or decline to act where there are valid reasons defined by law, and not otherwise.

Figure 55

The procedures in case of threat against the independence of a judge[71]

The figure presents which authorities can act in specific procedures for protecting judicial independence when judges consider that their independence is threatened.[72] It also presents the measures these authorities can adopt (e.g. issuing a formal declaration, filing of complaints or sanctions against persons seeking to influence judges in an improper manner). Action taken for the protection of judicial independence comes from a public prosecution service or a court (in case of sanctions), or from the Council for the Judiciary in the case of other measures.



Conclusions on judicial independence

- Over the last three years, in most Member States the **perception of independence has improved or remained stable.** However, in a few Member States, an already low level of perceived independence has deteriorated further.

- The 2015 Scoreboard **expanded the mapping of legal safeguards** aimed at protecting judicial independence in certain situations where it may be at risk. It also shows the number of transfers of judges without their consent and the number of dismissals of judges in 2013. In addition, it presents information on the criteria used in Member States for determining financial resources for the judiciary.

- As several Member States are envisaging reforms concerning their councils for the judiciary, or considering establishing such independent bodies, the 2015 Scoreboard provides a comparative overview of the **councils' powers and composition.** This could assist Member States in ensuring the effectiveness of councils for safeguarding the independence of the judiciary, while taking into account the traditions and specificities of justice systems.

- The Commission will encourage **judicial networks to deepen their assessment** of the effectiveness of legal safeguards and will reflect how these findings could be presented in future Scoreboards.

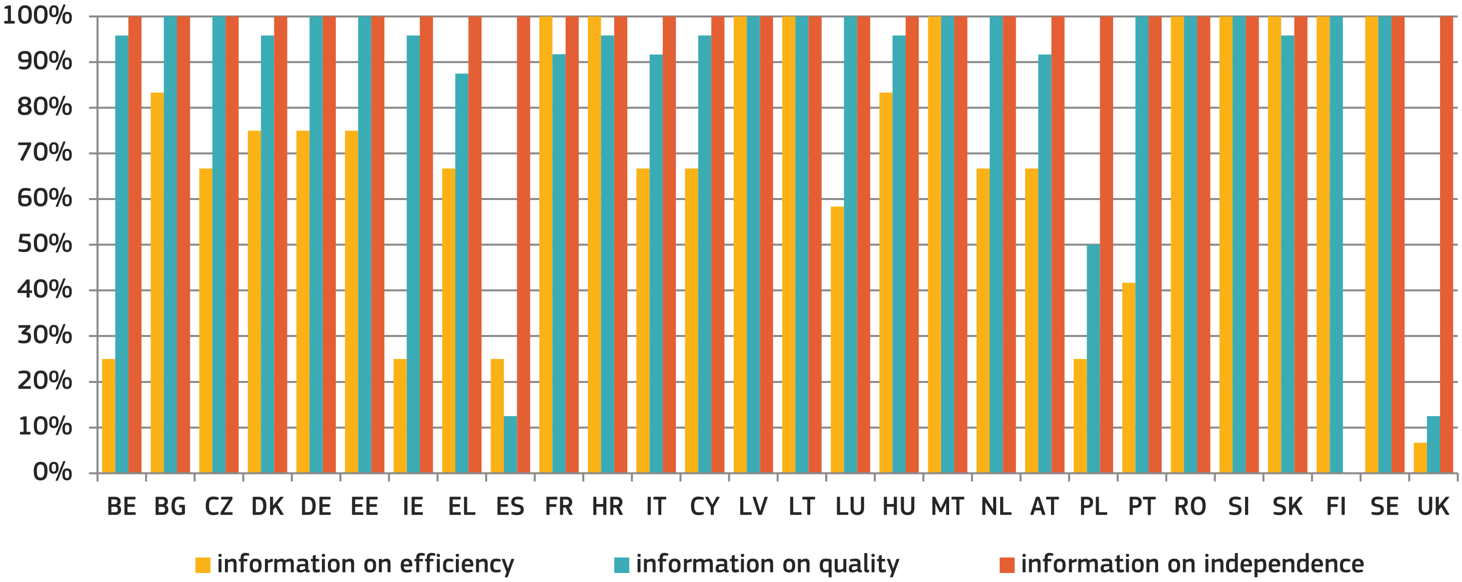
71 Data collected through an updated questionnaire elaborated by the Commission in close association with the ENCJ. For those Member States where Councils for the Judiciary do not exist, the replies to the updated questionnaire have been obtained in cooperation with the Network of the Presidents of the Supreme Courts of the European Union.
72 § 8, 13 and 14 of the Recommendation provide that where judges consider that their independence is threatened, they should be able to have recourse to effective means of remedy.

4. ADDRESSING THE DATA GAP

Gathering data on the key elements of justice systems covering all Member States remains a challenge. The figure below illustrates the data gap. It presents the percentage of information available per Member States for each of the key components of the Scoreboard (efficiency, quality and independence).

Figure 56

Data gaps and availability of information (efficiency, quality, independence/ percentage by Member State)
source: *European Commission*[73]



Information on independence was made available by almost all Member States. In the area of quality, the availability of information is generally above 50%. The main difficulties remain in the area of efficiency. Although almost all Member States participated in the collection of data by CEPEJ for the preparation of the 2015 Scoreboard, the level of replies to the specific questions still needs to be improved.

Difficulties in gathering data are due to various reasons, in particular: the lack of relevant data due to insufficient statistical capacity; the fact that the national categories for collecting data do not correspond to the ones used by CEPEJ, or, in a few cases, the unwillingness to participate in the collection of data for the Scoreboard.

To remedy the data gap, the Commission calls on Member States to provide all data relevant to the Scoreboard and intends to reinforce the following activities:

- work with the group of contact persons on national justice systems in gathering data and, as interest for developing new indicators has been expressed within the group, in developing possible new indicators;
- cooperate with EU bodies in specific areas of growth-related EU law, such as competition, consumer rights, intellectual property rights and expand cooperation to other areas;
- cooperate with the European networks in the area of justice, in particular the European Network for the Councils for the Judiciary, the Network of the Presidents of the Supreme Judicial Courts of the EU, the Association of the Councils of State and Supreme Administrative Jurisdiction, the European Judicial Training Network and with the associations of legal practitioners, particularly the lawyers;
- follow the joint data collection exercise between Eurostat/UNODC and the expert groups in the area of Home Affairs; and
- address certain Member States' lack of capacity to collect relevant justice statistics in the framework the European Semester.

73 The percentage of available information takes into account: for efficiency the efficiency indicators deriving from the CEPEJ study and on the areas of competition, consumers and community trade mark; for quality, indicators deriving from the CEPEJ study and data collected through the group of contact persons on national justice; for independence, indicators deriving from the Commission questionnaire.

5. CONCLUSIONS

The 2015 EU Justice Scoreboard reflects the efforts undertaken by Member States to render their national justice systems more effective. It shows certain improvements but at the same time reveals that reaping the benefit of justice reforms takes time. Commitment and determination are therefore indispensable to achieve more effective justice.

The Commission renews its commitment to support these efforts in cooperation with Member States and all stakeholders. Effective justice deserves such joint efforts given the role it plays for enforcing the Union common values and contributing to economic growth.

Country Codes

BE	Belgium
BG	Bulgaria
CZ	Czech Republic
DK	Denmark
DE	Germany
EE	Estonia
IE	Ireland
EL	Greece
ES	Spain
FR	France
HR	Croatia
IT	Italy
CY	Cyprus
LV	Latvia
LT	Lithuania
LU	Luxembourg
HU	Hungary
MT	Malta
NL	Netherlands
AT	Austria
PL	Poland
PT	Portugal
RO	Romania
SI	Slovenia
SK	Slovakia
FI	Finland
SE	Sweden
UK	United Kingdom
UK (EN+WL)	United Kingdom (England and Wales only)
UK (NI)	United Kingdom (Northern Ireland only)
UK (SC)	United Kingdom (Scotland only)

DS-04-15-160-EN-N
doi: 10.2838/708885